

## The Prohibited Areas are :—

(1) The whole of the Continent of Africa, with the exception of Algeria, Libya, and the Union of South Africa. (Within this area are included all Islands situated within a hundred nautical miles of the coast, together with Prince's Island, St. Thomas Island, and the Islands of Annobon and Socotra.)

(2) Transcaucasia, Persia, Gwadar, the Arabian Peninsula and such continental parts of Asia as were included in the Turkish Empire on August 4, 1914.

(3) A maritime zone including the Red Sea, the Gulf of Aden, the Persian Gulf and the Sea of Oman, and bounded by a line drawn from Cape Guardafui, following the latitude of that cape to its intersection with longitude 57° east of Greenwich, and proceeding thence direct to the eastern frontier of Persia on the Gulf of Oman.

## OPEN GENERAL LICENCE FOR THE EXPORT OF AIRCRAFT, &amp;c.

An Open General Licence has been issued for the export of the under-mentioned goods to all destinations except Russia, Germany, Hungary, Austria, Turkey and Bulgaria. Applications are no longer to be made to the Import and Export Licensing Section of the Board of Trade in respect of the export of these goods to countries other than those mentioned :—“Aeroplane engines and their component parts. Aircraft other than balloons of all kinds, and their component parts together with accessories and articles suitable for use in connection with aircraft.”

## OPEN GENERAL LICENCE FOR THE EXPORT OF PARCELS CONTAINING MISCELLANEOUS FOODSTUFFS.

An Open General Licence has been issued for the export by parcel post of parcels containing one or more varieties of foodstuffs (for the personal use of the addressee and *not* for trading purposes) to all destinations with which trading is allowed, provided that any such parcel may not contain more than two pounds of sugar or more than one pound of butter. Applications need, therefore, no longer be submitted to the Import and Export Licensing Section in respect of the export of such parcels by parcel post.

**General information with regard to Export regulations to certain countries in Europe and on the Mediterranean, &c.**

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Exporters are warned that there are import prohibitions in some foreign countries, information regarding which can be obtained from the Department of Overseas Trade, 35, Old Queen Street, Westminster, S. W.-1, and 73, Basinghall Street, London, E. C.-2. The issue of an export licence implies no guarantee that the goods will be admitted into the country of destination.



Albania.

Licences are only required for goods on Lists A and B. Any available route may be adopted at the option of the exporter.

Alsace-Lorraine.

Licences are only required for goods on Lists A and B. Goods may be exported by any available route at the option of the exporter.

Arabia.

Licences are only required for goods on Lists A and B.

Asia Minor (*see* Turkey).

Austria, Hungary.

Trade is now permitted with all portions of the late Austro-Hungarian Empire.

Licences are only required for goods on Lists A and B.

Goods may be exported *via* any available route.

Parcels will now be accepted by the Post Office for transmission to Austria (States of Upper and Lower Austria, Styria, Carinthia, Salzburg, Northern Tyrol, Vorarlberg and Liechfenstein, Trentino, Istria and Dalmatia).

For the portions of the late Austro-Hungarian Empire now incorporated in Italy, Czecho-Slovakia, Poland and Jugo-Slavia, *see* notes applicable to those countries.

Belgium.

Licences are only required for goods on Lists A and B.

Bulgaria.

Licences are required for goods on Lists A and B.

Any available route may be adopted at the option of the exporter.

Czechoslovakia (*including any portions of Silesia and Galicia allotted to Czechoslovakia*).

This territory consists, broadly speaking, of the former Austrian provinces of Bohemia and Moravia, and the northern part of Hungary-Slovakia.

Licences are only required for goods on Lists A and B.

Goods may be exported *via* Hamburg and the Elbe, provided they are consigned to the Czechoslovak Government's Trade Office, Welserhaus 12, Schaarsteinwegsbrücke, Hamburg, for further transshipment to the actual consignee in Czechoslovakia. Czechoslovak Import Licences should reach the Hamburg Office from the consignee previous to the shipment of goods. A duplicate set of shipping documents should be forwarded in advance to that Office. Goods may also be exported *via* any other available route.

Denmark.

Licences are only required for goods on Lists A and B.

Esthonia (principal port—Reval).

Licences are only required for goods on Lists A and B.

There is no parcel post service at present.

Finland.

Licences are only required for goods on Lists A and B.

Any available route may be adopted at the option of the exporter.

France.

Licences for exports are only required for goods on Lists A and B.

Germany.

Licences are only required for goods on Lists A and B.

Goods may be exported by any available route at the option of the exporter.

Gift parcels sent by parcel post may enter Germany without import licence and also free from duty and taxes provided they do not contain more than 2 kilos (70 ozs) of tobacco.

Greece.

Licences are only required for goods on List A or B. Any available route may be adopted at the option of the exporter.

Holland.

Licences are only required for goods on Lists A and B.

Italy.

Licences are only required for goods on Lists A and B.

Any available route to Italy may be adopted at the option of the exporter.

Jugo-Slavia.

Licences are only required for goods on Lists A and B.

Any available route may be adopted at the option of the exporter.

There is no parcel post service at present, except to Dalmatia.

Lettland (Latvia) (principal port—Libau).

Licences are only required for goods on Lists A and B. Applications to export goods on Lists A and B will be considered in the usual way.

There is no parcel post service at present.

Lithuania (principal port—Riga).

Licences are only required for goods on Lists A and B. Applications to export goods on Lists A and B will be considered in the usual way.

There is no parcel post service at present.

Luxembourg.

Licences are only required for goods on Lists A and B.

Goods may be exported by any available route at the option of the exporter.

Montenegro (*see* Jugo-Slavia).

Norway.

Licences are only required for goods on Lists A and B.

Palestine.

Licences are only required for goods on Lists A and B. Any available route may be adopted at the option of the exporter.

Poland (*including any portions of Silesia and Galicia allotted to Poland*).

Licences are only required for goods on Lists A and B.

There is no parcel post service at present.

Portugal.

Licences are only required for goods on Lists A and B. Any available route may be adopted at the option of the exporter.

Roumania.

Licences are only required for goods on Lists A and B. Any available route may be adopted at the option of the exporter.



Russia (Asiatic).

Licences are only required for goods on Lists A and B. Any available route may be adopted at the option of the exporter.

Russia (European).

Conditions under which trading with European Russia will be permissible are at present under consideration.

Serbia.

Licences are only required for goods on Lists A and B. Any available route may be adopted at the option of the exporter.

There is no parcel post service at present.

Spain.

Licences are only required for goods on Lists A and B. Any available route may be adopted at the option of the exporter.

Sweden.

Licences are only required for goods on Lists A and B.

Switzerland.

Licences are only required for goods on Lists A and B.

Any available route may be adopted at the option of the exporter.

Syria (as far north as a line from Alexandretta to Aleppo inclusive, and as far east as the Hedjaz railway inclusive).

Licences are only required for goods on Lists A and B. Any available route may be adopted at the option of the exporter.

A parcel post service is in operation as far north as Alexandretta, but not east of Aleppo.

Turkey (including Asia Minor).

Licences are only required for goods on Lists A and B.

Any available route may be adopted at the option of the exporter.

Parcels for civilians in Turkey are accepted if they are fully addressed c-o "Poste Restante, British Army Post Office, Constantinople," and parcels for civilians in Smyrna are accepted if they are fully addressed, c-o "Poste Restante, British Post Office, Smyrna"; parcels must be *called* for at the British Post Offices.

URGENT ORDERS.

The Import and Export Licensing Section, Board of Trade, announces that, in collaboration with the Department of Overseas Trade, an arrangement has been made whereby firms receiving orders which require immediate acceptance may telegraph details of any such order to the Department of Overseas Trade in order to ascertain whether a licence will be granted for the export of the goods if the order is accepted.

In the event of an applicant being promised a licence he will be enabled to deal with the order straightaway with the knowledge that upon application being made in the proper form to the Import and Export Licensing Section (Board of Trade) the licence will be granted.

The telegrams should be addressed to "Orders, c-o Advantage, Stock, London." They should give in each case in addition to the name and postal or telegraphic address of the applicant the quantity and description of the goods comprised in the order and the name and address of the ultimate consignee if the goods are destined for a neutral country. In the case of orders from Allied or British Territory or from Territory in the occupation of troops of the Associated Governments the consignee need not be stated; and it will be sufficient merely to give the country of destination. A reply of 24 words (1-3, must be prepaid.

Applicants are requested in their own interest to confine their enquiries to orders needing a very urgent decision, since the fewer the enquiries the more promptly can answers be given.

Any subsequent correspondence that is necessary in connection with the telegraphic enquiries should be addressed to the Comptroller-General, Department of Overseas Trade (Export Facilities Section), 35, Old Queen Street, Westminster, S. W. 1.

#### TRANSHIPMENT IN THE UNITED KINGDOM.

The provisional approval of the Import and Export Section, Board of Trade, should be obtained before the following goods are brought to this country for transhipment:—

Bacon, ham and lard of all kinds.

It is not now necessary to make application to the Collector of Customs at the transhipment ports on Form S. 90 for the transhipment of any goods except those specified in the following list:—

Foodstuffs for animal or human consumption which are on Section "A" or "B" of the list of prohibited exports (including tea and cocoa).

Seeds, oils and fats on Section "A" of the list of prohibited exports.

Synthetic dyestuffs.

Ergot.

Quinine sulphate.

Caustic potash.

Potassium carbonate.

Wool-tops and mixtures thereof.

Woollen and worsted yarn and mixtures thereof.

C. A. INNES,

*Secretary to the Govt. of India.*

The following notification, issued by the Government of India, Reforms Office, published in the *Gazette of India, Extraordinary*, dated the 3rd April 1920, is republished for general information.

H. L. STEPHENSON,

*Offg. Chief Secy. to the Govt. of Bengal.*

#### NOTIFICATION.

##### GENERAL.

*Simla, 3rd April 1920.*

No. 298-G.—In pursuance of sub-section (2) of section 47 of the Government of India Act, 1919, the Governor General in Council, with the approval of the Secretary of State in Council, is pleased to direct that the provisions of section 30 of the said Act shall come into operation with effect from the 1st April 1920.

S. P. O'DONNELL,

*Secretary to the Govt. of India.*

The following order, issued by the Government of India in the Army Department, published in the *Gazette of India*, dated the 3rd April 1920, is republished for general information.

H. L. STEPHENSON,

*Offg. Chief Secy. to the Govt. of Bengal.*

*Simla, the 2nd April 1920.*

#### RESIGNATION.

##### INDIAN DEFENCE FORCE.

*37th Calcutta Presidency Battalion.*

No 570.—Captain Samuel Hope Richards is permitted, subject to His Majesty's approval, to resign his commission. Dated 13th February 1920.

A. H. BINGLEY, Major-General,

*Secy. to the Govt. of India.*



The following notification, issued by the Government of India in the Home Department, published in the *Gazette of India*, dated the 3rd April 1920, is republished for general information.

H. L. STEPHENSON,

*Offg. Chief Secy. to the Govt. of Bengal.*

NOTIFICATION.

POLICE.

*Simla, the 31st March 1920.*

No. 579.—In exercise of the power conferred by section 27 of the Indian Arms Act, 1878 (XI of 1878), the Governor General in Council is pleased to direct that the following amendment shall be made in entry (1) (a) of Schedule I of the Indian Arms Rules, 1920, namely :—

After the words “the Commissioner in Sind,” the words “members of the Council of India when visiting India during their term of office” shall be inserted.

H. D. CRAIK,

*Addl. Secy. to the Govt. of India.*



# The Calcutta Gazette

WEDNESDAY, APRIL 21, 1920.

## PART IA.

### **Orders and Notifications by the Government of India.**

The following notifications, issued by the Government of India in the Legislative Department, published in the *Gazette of India*, dated the 10th April 1920, are republished for general information.

H. L. STEPHENSON,  
*Offg. Chief Secy. to the Govt. of Bengal.*

#### NOTIFICATIONS.

*Simla, the 8th April 1920.*

*No. 41.*—The Governor General is pleased to accept the resignation by the Hon'ble Mr. Walter Erskine Crum, O.B.E., of his office of Additional Member of the Indian Legislative Council.

*No. 42.*—A vacancy having occurred in the Indian Legislative Council by reason of the resignation of the Hon'ble Mr. W. E. Crum, O.B.E., an Additional Member of the said Council, who represented the Bengal Chamber of Commerce, the Governor General is pleased, in pursuance of the provisions of Regulation XI (b) of the Regulations for the nomination and election of Additional Members of the Legislative Council of the Governor General, to call upon the Bengal Chamber of Commerce to elect in accordance with the said Regulations a person for the purpose of filling the said vacancy on or before the 15th May 1920.

A. P. MUDDIMAN,  
*Secretary to the Govt. of India.*

The following notifications, issued by the Government of India in the Home Department, published in the *Gazette of India*, dated the 10th April 1920, are republished for general information.

H. L. STEPHENSON,  
*Offg. Chief Secy. to the Govt. of Bengal.*

#### NOTIFICATIONS.

##### JUDICIAL.

*Simla, the 5th April 1920.*

*No. 627.*—The Hon'ble Mr Justice C. P. Beachcroft, I.C.S., a Judge of the High Court of Judicature at Fort William in Bengal, is granted furlough on urgent private affairs, with effect from the 10th April 1920 or such other date as he may avail himself of it, to the afternoon of the 2nd September 1920, both days inclusive.

The Home Department notification No. 400, dated the 25th February 1920, is hereby cancelled.



*No. 629.*—The Hon'ble Justice Sir Ashutosh Mukharji, Kt., C.S.I., having been appointed to perform the duties of Chief Justice of the High Court of Judicature at Fort William in Bengal, during the absence on furlough of the Hon'ble Sir Lancelot Sanderson, Kt., K.C., Barrister-at-Law, the Governor-General in Council is pleased, under the provisions of the Government of India Act, 1915 (5 and 6 Geo. 5, Ch. 61), section 105, sub-section (2), to appoint Mr. E. B. H. Panton, I.C.S., to act as a Judge of that Court, *vice* the Hon'ble Justice Sir Ashutosh Mukharji, or until further orders.

The Home Department notification No. 453, dated the 3rd March 1920, is hereby cancelled.

*The 9th April 1920.*

*No. 663.*—The Hon'ble Justice Sir Ashutosh Mukharji, Kt., C.S.I., took his seat as Acting Chief Justice of the High Court of Judicature at Fort William in Bengal, on the forenoon of the 24th March 1920.

*No. 681.*—The Hon'ble Mr. Justice C. P. Beachcroft, I.C.S., having been granted furlough with effect from the 10th April 1920, or such other date as he may avail himself of it, to the afternoon of the 2nd September 1920, both days inclusive, the Governor-General in Council is pleased, under the provisions of the Government of India Act, 1915 (5 and 6 Geo. 5, Ch. 61), section 105, sub-section (2), to appoint Mr. A. H. Cuming, I.C.S., to act as a Judge of the High Court of Judicature at Fort William in Bengal during the absence of the Hon'ble Mr. Justice C. P. Beachcroft, or until further orders.

H. D. CRAIK,

*Offg. Addl. Secretary to the Govt. of India.*

The following notification, issued by the Government of India in the Foreign and Political Department, published in the *Gazette of India*, dated the 10th April 1920, is republished for general information.

H. L. STEPHENSON,

*Offg. Chief Secy. to the Govt. of Bengal.*

#### NOTIFICATION.

*Simla, the 8th April 1920.*

*No. 757-G.*—With the sanction of His Majesty's Government, the Governor-General in Council is pleased to recognise the appointment of Mr. Harold R. Foss as Vice-Consul for the United States of America at Calcutta.

H. R. C. DOBBS,

*Secretary to the Govt. of India.*

The following notifications issued by the Government of India in the Department of Commerce, published in the *Gazette of India*, dated the 10th April 1920, are republished for general information.

H. L. STEPHENSON,

*Offg. Chief Secy. to the Govt. of Bengal.*

#### NOTIFICATIONS.

##### CUSTOMS ESTABLISHMENTS.

*Simla, the 10th April 1920.*

*No. 816.*—Mr. J. A. E. Burrup, O.B.E., I.S.O., an Assistant Collector of Customs at Calcutta, is permitted to retire from the service, with effect from the 11th April 1920.

## GENERAL.

*The 10th April 1920.*

No. 911.—The services of Mr. J. C. Nixon, I.C.S., Under-Secretary to the Government of India in the Department of Commerce, are placed at the disposal of the Finance Department, with effect from the 6th April 1920.

## TELEGRAPHS.

*The 10th April 1920.*

No. 932.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Governor-General in Council is pleased to direct that the following amendment shall be made in the rules published with the notification of the Government of India in the Department of Commerce and Industry, No. 6975-137, dated the 16th September 1909, as subsequently amended, namely:—

In rule 234 of the said rules, for the sentence "Charges in India are collected at the standard rate of Rs. 15=1 £=25 Francs", the following shall be substituted, namely:—

"Charges in India are subject to alteration in accordance with changes in the rate of rupee sterling exchange."

## TRADE AFTER THE WAR—HIDES, SKINS AND LEATHER.

*The 10th April 1920.*

No. 899.—In pursuance of the notification in this Department No. 650 dated the 3rd April 1920, the Governor-General in Council is pleased to designate, as the persons by whom the certificates required by the said notification should be granted in the case of raw hides or skins exported to New Zealand, the Collectors of Customs for the time being at the ports of Auckland, Dunedin, Invercargill, Lyttelton, Napier, Nelson, New Plymouth, Timaru, Wanganui and Wellington.

C. A. INNES,

*Secretary to the Govt. of India.*

The following notification, issued by the Government of India, in the Department of Education, published in the *Gazette of India*, dated the 10th April 1920, is republished for general information.

H. I. STEPHENSON,

*Offg. Chief Secy. to the Govt. of Bengal.*

## NOTIFICATION.

## BOOKS.

*Simla, the 8th April 1920.*

No. 41.—The following order of His Majesty in Council for giving protection to literary or artistic works first published in United States of America during the war, published in the London Gazette of the 10th February 1920, is republished for general information:—

**AT THE COURT AT BUCKINGHAM PALACE.****The 9th day of February, 1920.**

PRESENT,

**THE KING'S MOST EXCELLENT MAJESTY.**

Lord President.

Earl Curzon of Kedleston.

Lord Colebrook.

Sir Frederick Ponsonby.

WHEREAS by reason of conditions arising out of the war difficulties have been experienced by the citizens of the United States of America in complying with the requirements of the Copyright Act, 1911, as to first publication within the parts of His Majesty's Dominions to which the Act extends of their works first published in the United States of America during the war:



AND WHEREAS His Majesty is advised that the Government of the United States of America has undertaken, upon issue of this Order, to extend the protection afforded by the United States Law of December 18, 1919, entitled "An Act to amend Sections 8 and 21 of the Copyright Act, approved March 4, 1909," to British subjects :

AND WHEREAS by reason of the said undertaking of the Government of the United States of America His Majesty is satisfied that the said Government has made, or has undertaken to make, such provision as it is expedient to require for the protection of works first made or published between the 1st August, 1914, and the termination of the war in the parts of His Majesty's Dominions to which this Order applies, and entitled to copyright under Part I of the Copyright Act, 1911 :

AND WHEREAS by the Copyright Act, 1911, authority is conferred upon His Majesty to extend, by Order in Council, the protection of the said Act to certain classes of foreign works within any part of His Majesty's Dominions, other than self-governing Dominions, to which the said Act extends :

AND WHEREAS by reason of these premises it is desirable to provide protection within the said Dominions for literary or artistic works first published in the United States of America between August 1, 1914, and the termination of the war which have failed to accomplish the formalities prescribed by the Copyright Act, 1911, by reason of conditions arising out of the war :

NOW, THEREFORE, His Majesty, by and with the advice of His Privy Council, and by virtue of the authority conferred upon him by the Copyright Act, 1911, is pleased to order, and it is hereby ordered, as follows :—

1. The Copyright Act, 1911, shall, subject to the provisions of the said Act and of this Order, apply to works first published in the United States of America between the 1st August, 1914, and the termination of the war, which have not been republished prior to the commencement of this Order in the parts of His Majesty's Dominions to which this Order applies, in like manner as if they had been first published within the parts of His Majesty's Dominions to which the said Act extends :

Provided that the enjoyment by any work of the rights conferred by the Copyright Act, 1911, shall be conditional upon publication of the work in the Dominions to which this Order relates not later than six months after the termination of the war, and shall commence from and after such publication, which shall not be colourable only, but shall be intended to satisfy the reasonable requirements of the public.

2. The provisions of Section 15 of the Copyright Act, 1911, as to the delivery of books to libraries, shall apply to works to which this Order relates upon their publication in the United Kingdom.

3. In the case of musical works to which this Order relates and provided that no contrivances by means of which the work may be mechanically performed have before the commencement of this Order been lawfully made or placed on sale, within the parts of His Majesty's Dominions to which this Order applies, copyright in the work shall include all rights conferred by the said Act with respect to the making of records, perforated rolls and other contrivances by means of which the work may be mechanically performed.

4. This Order shall apply to all His Majesty's Dominions, Colonies and Possessions with the exception of those hereinafter named, that is to say :—

The Dominion of Canada ;  
The Commonwealth of Australia ;  
The Dominion of New Zealand ;  
The Union of South Africa ;  
Newfoundland.

5. Nothing in this Order shall be construed as depriving any work of any rights which have been lawfully acquired under the provisions of the Copyright Act, 1911, or any Order in Council thereunder.

6. This Order shall take effect as from the 2nd day of February, 1920, which day is in this Order referred to as the commencement of this Order.

AND the Lords Commissioners of His Majesty's Treasury are to give the necessary orders accordingly.

*Almeric Fitz Roy.*

H. SHARP,  
*Secretary to the Govt. of India.*

The following resolution, issued by the Government of India, in the Home Department, published in the *Gazette of India*, dated the 10th April 1920, is republished for general information.

H. L. STEPHENSON,

*Offg. Chief Secy. to the Govt. of Bengal.*

**Allotment of members of the Indian Civil Service appointed in 1920.**

No. 661.

*Simla, the 7th April 1920.*

**RESOLUTION.**

(ESTABLISHMENTS.)

THE undermentioned gentlemen, who have been appointed in England to the Indian Civil Service, are, under the orders of the Governor General in Council, allotted to the provinces shown against their names:—

Mr. J. D. Tyson	...	} Bengal.
Mr. H. W. Lyne	...	
Mr. A. C. Turner	...	} United Provinces.
Mr. H. S. Bates	...	
Mr. J. W. Houlton	...	Bihar and Orissa.

2. The Governor General in Council is further pleased to direct that, on arrival at Bombay, these gentlemen shall ascertain from the Resident Under-Secretary to the Government of Bombay whether any orders as to their destination await them. In the absence of any such orders, Messrs. Tyson and Lyne should proceed to Calcutta and report themselves to the Chief Secretary to the Government of Bengal, Messrs. Turner and Bates should proceed to Allahabad and report themselves to the Chief Secretary to the Government of the United Provinces, and Mr. Houlton should proceed to Patna (Patna Junction Railway Station) and report himself to the Chief Secretary to the Government of Bihar and Orissa.

ORDER—Ordered that a copy of this Resolution be forwarded to the local Governments concerned for information and guidance. Also that the Resolution be published in the Supplement to the *Gazette of India*, and that a copy be forwarded to each of the gentlemen named therein.

H. McPHERSON,

*Secretary to the Govt. of India.*

The following resolution, issued by the Government of India, in the Department of Commerce, published in the *Gazette of India*, dated the 3rd April 1920, is republished for general information.

H. L. STEPHENSON,

*Offg. Chief Secy. to the Govt. of Bengal.*

No. 712.

**RESOLUTION.**

(Internal Trade).

*Simla, the 1st April 1920.*

READ—

The Report of the Indian Cotton Committee, 1919.

In paragraph 4 of the Resolution by the Government of India in the Department of Revenue and Agriculture, No. 674-191, dated the 2nd August 1919, it was stated that in dealing with the recommendations contained in the Report of the Indian Cotton Committee the Government of India would accord special priority to the examination of the suggestion made in paragraph 223 of the Report regarding the question of licensing ginning and pressing factories. A copy of the letter which the Government of India addressed to Local Governments and Administrations on this subject, and



also with regard to certain other recommendations made by the Indian Cotton Committee in Chapter XVI of their Report, is published for general information.

Letter No. 1718-D., dated Delhi, the 28th February 1920.

From—The HON'BLE MR. A. H. LEY, C.I.E., I.C.S., Secretary to the Government of India, Department of Commerce and Industry,

To—All Local Governments and Administrations.

With reference to the Resolution in the Department of Revenue and Agriculture, No. 674-191, dated the 2nd August 1919, I am now directed to address you on the subject of the recommendations contained in paragraphs 205, 212, 213, 223—229, and 231 of the Report of the Indian Cotton Committee (Chapter XVI).

2. In paragraph 205 of the Report the Committee suggest that cotton markets on the Berar system should be established in other provinces as soon as possible, more especially in the cotton tracts of the Bombay Presidency (except Sind), the Madras Presidency (with the exception of the Coconada tract) and the Punjab Canal Colonies. In the opinion of the Government of India this recommendation is clearly sound, and they hope that the Local Governments and Administrations concerned will give it their careful attention and take necessary steps to give effect to the Committee's proposal, with the aid, where necessary, of local legislation.

3. The Committee recommend in paragraph 212 of their Report the universal use of a cotton maund of 28 lbs., but it appears from paragraph 213 of the report that they do not consider any separate legislation to be necessary for the purpose. Apparently all that they intend is that standard weights should be prescribed by Local Governments as one of the conditions of the licensing of gins and presses, and further that in local legislation for the establishment of cotton markets on the Berar system power should be taken to prescribe standard weights for use in those markets. The Government of India think that these proposals are on sound lines and should receive the careful consideration of Local Governments and Administrations.

4. Paragraphs 223 to 229 of the Report deal with the important question of the licensing of gins and presses, and, after giving the matter their most careful consideration, the Government of India are of opinion that the conclusions arrived at by the Committee in this respect are entirely sound. They accordingly propose, subject to certain minor modifications indicated below and to any observations which the Local Governments and Administrations may have to make, to accept and to put into force the Committee's proposals.

5. The Government of India agree with the Indian Cotton Committee that, if effect is to be given to these proposals, it will be necessary to undertake special Imperial legislation for the purpose. They also agree with the suggestion made in paragraph 227 of the Report that all gins and presses should be brought within the provisions of the Indian Factories Act, 1911 (XII of 1911), irrespective of the number of work-people they employ. It must be realised, however, that this action will undoubtedly throw a considerably in-

creased burden of work on the local factory inspection staff and <sup>the Government of</sup> <sup>the Administration of</sup> <sup>you.</sup>

will, no doubt, separately consider what increase, if any, in the number of factory inspectors will be necessary for this purpose in the . . .

6. The recommendations made by the Indian Cotton Committee in regard to the conditions on which licenses should be granted to gins and presses—*vide* paragraph 225 of the Report—appear to the Government of India to be generally suitable, with the possible exception of condition (m), *viz.*, that owners of ginning and pressing factories should undertake to work for at least eight weeks in the year, unless prevented by causes beyond their control. The necessity for this condition the Government of India consider to be open to doubt. If, however, the Local Governments and Administrations see no objection to this condition the Government of India will be prepared to accept it. The proposed condition (l) regarding lighting seems to be unobjectionable, but if all gins and presses are brought within the scope of the Factories Act no special legislation would be required to cover this point, inasmuch as section 11 (1) of the Act already requires that *every* factory shall be sufficiently lighted.

7. In paragraph 229 of the Report the Committee recommend that action in regard to breaches of the conditions laid down in the license should

only be taken on a complaint to the Central Cotton Committee or to the Provincial Committee. The Central Cotton Committee, the formation of which is advocated in Chapter XIX of the Report, and in connection with which Local Governments and Administrations have been addressed in the Department of Revenue and Agriculture circular No. 1239, dated the 27th November 1919, would, after suitable enquiry, recommend to the Local Government concerned the withdrawal of the license or the issue of a warning as it thought fit. This procedure, though somewhat cumbersome, would, in the opinion of the Government of India, work satisfactorily so far as the withdrawal of licenses is concerned, but as full meetings of the Central Cotton Committee will probably be held only once or twice in a year warnings might well be issued on the recommendations of the Provincial or Local Committees.

8. The Government of India doubt whether it would be advisable that the conditions on which licenses should be granted or withdrawn should be entered in the specific provisions of any legislation that may be undertaken as the conditions might vary from time to time or in different parts of the country. It must be recognised, however, that a law which gave Local Governments unrestricted power to grant, withhold or withdraw licenses might reasonably be open to objection. For these reasons the Government of India are of opinion that the best course would be to enact that licenses may be granted, withheld or cancelled by the licensing authority in accordance with conditions to be laid down by the Local Government, after consultation with an advisory body on which commercial interests should be represented, and that, when the conditions laid down by the Local Government are not in consonance with the recommendations of such advisory body, an appeal shall be allowed to the Governor General in Council. This advisory body would in practice no doubt be the Central Committee recommended in Chapter XIX of the Report.

9. The Government of India are further of opinion that there should be no penalties laid down in the law, except the penalty of withdrawal of license for breach of the conditions, and a penalty for working a gin or press without a license. Gins and presses would, of course, be liable for breaches of the Indian Factories Act.

10. [In the opinion of the Government of India the proposed law should apply to the whole of British India, but they are not certain that the conditions in Burma necessitate the action suggested and would be glad to have the views of the Local Government on the point.]

In the opinion of the Government of India the proposed law should apply to the whole of British India. It will not, of course, apply to Indian States, but it is most desirable that they should follow suit and the Government of India intend to invite them to do so as soon as a definite decision has been arrived at as regards the action to be taken in British India.

11. In paragraph 231 of the Report the Committee recommend the offer of concessions in regard to the grant of Government land in the case of surplus factories forming a pool. This is a matter mainly for the consideration of the Local Governments and Administrations, but the Government of India agree with the Committee that where members of a pool in any district keep one or more factories closed without adequate justification, no night shift working should be permitted.

12. In conclusion, I am to request that the Government of India may be favoured at any early date with <sup>the views of</sup> the Government of the Administration of <sup>your views</sup> on the proposals described above after consultation with such commercial bodies or individuals <sup>the local Government</sup> as <sup>the Administration</sup> you may consider necessary.

#### ORDERS—

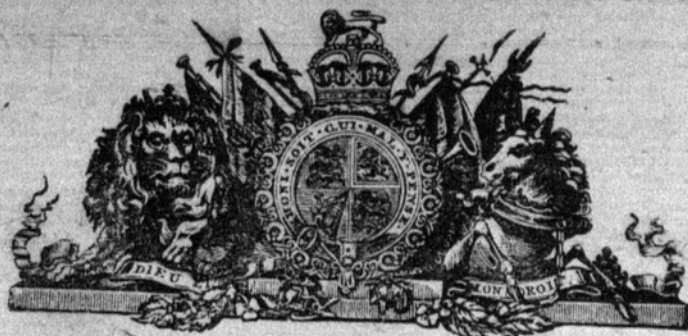
Ordered that the Resolution be published in the Supplement to the *Gazette of India* for general information.

Ordered also that a copy be forwarded to all Local Governments and Administrations, to the Department of Revenue and Agriculture, and to the Director-General of Commercial Intelligence for information.

C. A. INNES,

*Secretary to the Govt. of India.*





# The Calcutta Gazette

WEDNESDAY, APRIL 28, 1920.

## PART IA.

### ***Orders and Notifications by the Government of India.***

The following notifications issued by the Government of India in the Department of Commerce, published in the *Gazette of India*, dated the 17th April 1920, are republished for general information.

H. L. STEPHENSON,  
*Offg. Chief Secy. to the Govt. of Bengal.*

### NOTIFICATIONS.

#### EMIGRATION.

*Simla, the 17th April 1920.*

No. 1135.—In pursuance of section 116-A, sub-section (4) of the Assam Labour and Emigration Act, 1901, as amended by the Assam Labour and Emigration (Amendment) Act, 1915, the Governor General in Council is pleased to approve, with effect from the 10th March 1920, of the election of Mr. H. Garbett to be a member of the Assam Labour Board as a representative of the Assam Branch of the Indian Tea Association, *vice* Mr. C. Wood resigned.

#### SHIPPING CONTROL.

*The 17th April 1920.*

No. 1032.—In pursuance of Rule 14-A of the Defence of India (Consolidation) Rules, 1915, as subsequently amended, the Governor General in Council is pleased to cancel, with effect from the 30th April 1920, the order of the Government of India in the Department of Commerce and Industry, No. 7336, dated the 2nd August 1918, authorising certain officers of Government to exercise on behalf of the Governor General in Council all the powers conferred by the said rule.

#### TRADE AFTER THE WAR—HIDES, SKINS AND LEATHER.

*The 17th April 1920.*

No. 1123.—In pursuance of the notification in this department No. 650 dated the 3rd April 1920, the Governor General in Council is pleased to designate, as the persons by whom the certificates required by the said notification should be granted in the case of raw hides or skins exported to the Union of South Africa, the Collector of Customs at the port of entry or clearance in the Union.

## CUSTOMS—WAR.

*The 17th April 1920.*

No. 1118.—The following Board of Trade list, dated the 12th March 1920, on the subject of prohibitions of export from the United Kingdom, is published for general information:—

IMPORTS AND EXPORTS LICENSING SECTION,  
BOARD OF TRADE,

GT. GEORGE STREET,

S. W.-1.

LIST OF EXPORT PROHIBITED GOODS, &c.,  
12TH MARCH 1920.

This list cancels all similar lists issued prior to the above date.

List A and B	...	...	...	...
List C	...	...	...	...
Open General License for Exports	...	...	...	...
Notes regarding Export to certain Countries	...	...	...	...
Urgent orders	...	...	...	...
Transshipment in the United Kingdom	...	...	...	...

This consolidated "List of Export Prohibited Goods" is amended and issued fortnightly. Exporters who desire to have copies of each list posted to them during the current year can do so on payment of a registration fee of 2s. 6d. for one copy of each issue. Should more than one copy of each issue be required an additional payment should be made at the rate of 2d. per month to the end of the current year for each additional copy required.

Exporters who desire to have their names placed on the register should make application to the Stationery Clerk, Import and Export Licensing Section, enclosing Money Orders payable to the Import and Export Licensing Section, Board of Trade.

Applications for licences and all correspondence should be addressed to:—

The Director, Import and Export Licensing Section, Board of Trade,  
Gt. George Street,

S. W. 1.

## LIST A AND B.

List of goods the export of which is prohibited from the United Kingdom by Royal Proclamations or by order of Council.

A licence is required to export goods marked (A) to any destination abroad.

A licence is required to export goods marked (B) to any destination abroad, except British Possessions and Protectorates, to which goods



marked (B) can be exported without licence, providing the goods are not transhipped at foreign ports.

- (B) Aeroplane engines and their component parts.
- (B) Aircraft, other than balloons, of all kinds, and their component parts, together with accessories and articles suitable for use in connection with aircraft.
- Alumina, *see* Phosphate Rock.
- (A) Ammonia, sulphate of, and mixtures containing sulphate of ammonia.
- (A) \* Animals, living, for food (other than horses.)
- Apatites, *see* Phosphate Rock.
- (A) Apparatus which can be used for the storage or projection of compressed or liquefied gases, flame, acids or other destructive agents capable of use in warlike operations and their component parts.
- (A) Armour plates, armour quality castings, and similar protective material.
- (A) Armoured motor-cars.
- (A) Arms, not being Firearms and their component parts.
- (A) Bacon and Ham, including Tinned Bacon and Ham.
- (A) Barley, barley flour and barley meal.
- (A) Basic slag.
- (A) Bayonets and their component parts.
- Bran, *see* Offals of Corn.
- (A) Bread.
- Brewers' grains, *see* Grains.
- Bullion, *see* Gold and Silver.
- (A) Butter.
- (A) Cakes and Meals (which may be used as forage or food for animals), the following :—
- Husk meal ;
- Maize germ meal ;
- Maize meal and flour.
- (A) Calfskins.
- (A) Cannon and other ordnance, and their component parts.
- (A) Carriages and mountings for cannon and other ordnance and their component parts.
- (A) Cartridges, charges of all kinds, and their component parts, and tools, appurtenances and accessories for the filling and repair of rifle and shot-gun cartridges.
- Castings, *see* Armour Plates.
- Cattle foods, *see* Cakes and Meals.
- Cattle hides, *see* Hides.
- Caustic potash, *see* Potash.
- (A) Cheese.
- (A) Coal, except coal allowed by the Commissioners of Customs and Excise to be shipped as bunker coal.
- (A) † Coal tar, all products obtainable therefrom and derivatives thereof, whether actually so obtained or derived from other sources (including all mixtures and preparations containing such products or derivatives), suitable for use in the manufacture of dyes or explosives.
- (A) Cocaine and its salts and preparations.
- (A) Cocoa, raw.
- (A) Cod liver oil and preparations containing cod liver oil.
- Coin, *see* Gold, Silver.
- (A) Coke and manufactured fuel.
- Combings, *see* Malt.
- Compound cakes and meal, *see* Cakes and Meals.
- (A) Confectionery manufactured wholly or partly of sugar.
- Corn offals, *see* Offals.
- Cows, bulls, etc., *see* Animals.
- Culms, *see* Malt.
- (A) Dari.
- Distillers' grains, *see* Grains, etc.
- (B) Docks, floating, and their component parts.
- (A) † Dyes and dyestuffs, manufactured from Coal Tar products and articles containing such dyes and dyestuffs.
- (A) Eggs in shells.
- Engines, *see* Aeroplane.
- (A) Ergot of rye, and the liquid extract of ergot.

\* Application for licence to export livestock should be made on Application Form "L." copies of which can be obtained from the Stationery Clerk, Export Licence Department.

† The following proprietary dyes may, however, be exported without licence to all destinations with which trading is permitted :—

Dolly dyes.	Drummer dyes.	Diamond dyes.	Dixon's home dyes.	Maypole dyes.
Fairy dyes.	Dainty dyes.	Dob's household dyes.		

- (A) Explosives.  
Figs, dried, *see* Fruit, dried, etc.
- (A) Firearms and their component parts.
- (A) Fish except the following:—  
tinned, preserved or frozen fish, chinchards, crabs, oysters, sprats, herrings, crayfish, prawns, shrimps, scallops, lobsters, and fresh salmon.
- (A) Salmon, tinned.
- (A) Flax raw.  
Flour, *see* Barley, Maize, Rice, Rye, Wheat.  
Foodstuffs, *see* specific headings.  
Forage and food which may be used for animals, *see* specific headings, as, *e.g.*, Cakes, Hay, Oats, etc.
- (A) Forage, green.
- Fuel, manufactured, *see* Coke.
- (A) Fruit, dried, the following:—  
Figs.  
Raisins (except Californian seeded raisins).  
Sultanas.
- (A) Fruit, preserved, other than dried fruits preserved in sugar.
- (A) Game.
- (A) Gold, coin and bullion.
- (A) Grains, Brewers' and Distillers'.
- (A) Green forage.
- (A) Grenades and component parts thereof.
- (A) Guanos, except whale guano.  
Guns, *see* Cannon, Firearms, Machineguns.
- (A) Hay.
- (A) Hides, British and Irish, cattle.
- Husk meal, *see* Cakes and Meals.
- (A) Implements and apparatus designed exclusively for the manufacture of munitions of war or for the manufacture or repair of arms or of war material for use on land or sea.
- (A) Indigo, synthetic.  
Jam, *see* Fruit, preserved.
- (A) Lard; except imitation (compound) lard and neutral lard.
- (A) Lime phosphate, *see* Phosphate Rock.
- (A) Linseed.  
Livestock, *see* Animals.
- (A) Machine guns, mountings for machine guns, and component parts thereof.
- (A) Maize germs.  
Maize germ meal, *see* Cakes and Meals.
- Maize meal and flour, *see* Cakes and Meals.
- (A) Malt dust, culms, sprouts or combings.
- (A) Manures, compound, containing either sulphate of ammonia, superphosphate of lime, or potash.  
Marmalade, *see* Fruit preserved.  
Meals, *see* Barley, Cakes, Rye, Wheat.
- (A) Meat, fresh and frozen, of all kinds, except offals, turtle meat and horseflesh.  
Middlings, *see* Offals of Corn.
- (B) Milk, condensed or preserved (other than milk powder.)  
Mill dust and screenings, *see* Offals of Corn.
- (B) Mines and their component parts.
- (A) Nicotine and its compounds.  
† Notes of the Bank of France.
- (A) Oats.  
Offals of corn and grain which may be used as food for animals, the following:—  
(A) Bran.  
(A) Middling.  
(A) Mill dust and screenings.  
(A) Pollard.  
(A) Rice meal (or bran) and dust.  
(A) Sharps.
- Oil, cod liver *see* Cod Liver Oil.
- (A) Onions.
- (A) Opium and its preparations.
- (A) Opium alkaloids and their salts and preparations  
Ordnance, *see* Cannon, Carriages.
- (A) Phosphate rock, namely:—  
Apatites.  
Phosphates of lime and alumina.  
Pistols, *see* Firearms.  
Pollard, *see* Offals of Corn.
- (A) Potash, caustic, and articles containing caustic potash.
- (A) Potash, muriate, sulphate, and crude manurial potash salts, and mixtures containing any of these substances.
- (A) Pottassium carbonate and mixtures containing potassium carbonate.
- (B) Potassium permanganate.
- (A) Potatoes.
- (A) Poultry.  
Preserves, *see* Fruit, &c.
- (A) Projectiles of all kinds and their component parts.
- (A) Quinine sulphate.  
Raisins (except Californian seeded raisins), *see* Fruit, dried, etc.

† Notes of the Bank of France are prohibited to all destinations except to destinations in France.



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| <p>Rice meal (or bran) and dust, <i>see</i> Offals of Corn.</p> <p>(A) Rice and rice flour.</p> <p>Rifles, <i>see</i> firearms.</p> <p>(A) Rye and rye flour and meal.</p> <p>Salmon, tinned, <i>see</i> Fish.</p> <p>(A) Sausages, pork, except tinned pork sausages.</p> <p>Screenings, <i>see</i> Offals of Corn.</p> <p>Seeds, <i>see</i> Cereals mentioned by name.</p> <p>(A) Semolina.</p> <p>Sharps, <i>see</i> Offals of Corn.</p> <p>Sheep, <i>see</i> Animals.</p> <p>(A) Silver bullion, specie and British coin.</p> <p>Skins, <i>see</i> Calfskins, Hides.</p> <p>Spirits, <i>see</i> Whisky.</p> <p>(A) Sugar, cane and beet, <i>see also</i> Confectionery.</p> <p>Sultanas, <i>see</i> Fruit, dried, etc.</p> <p>(A) Superphosphates.</p> | <p>(A) Tea other than green tea.</p> <p>(B) Torpedoes and their component parts.</p> <p>(B) Torpedo tubes.</p> <p>Vegetables, <i>see</i> Onions, Potatoes.</p> <p>Venison, <i>see</i> Game.</p> <p>(A) Vessels of 15 tons gross and over.</p> <p>(A) Wheat, wheat flour and wheat meal, and all articles, mixtures and preparations containing wheat, wheat flour, or wheat meal.</p> <p>(A) Whisky.</p> <p>Wool and Woollen Goods:—</p> <p>(A) Wool tops and mixtures thereof.</p> <p>(See, however, camel hair, cashmere alpaca and mohair.)</p> <p>Yarns, <i>see</i> Wool.</p> <p>(A) Yeast.</p> |
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## LIST C.

List C comprises All GOODS not included in List A or B.  
Goods on List C may be exported without licence to all destinations with which trading is allowed.

## GENERAL LICENCES FOR EXPORTS.

An open general licence has been issued, permitting the exportation of the following goods (without application to the import and export licensing section of the Board of Trade) to all destinations with which trading is allowed.

- |   |  |
|---|--|
| <p>Alpaca and tops, noils, waste and yarns thereof.</p> <p>Bird seed.</p> <p>Blanc-mange powder.</p> <p>Cake mixture.</p> <p>Camel hair and tops, noils waste and yarns thereof.</p> <p>Cashmere and tops, noils, waste and yarns thereof.</p> <p>Cocoa and milk, coffee and milk, chocolate and milk, sweetened or unsweetened, in tins.</p> <p>Custard powder.</p> <p>Gloy.</p> <p>Horseflesh.</p> <p>Kofflio.</p> <p>Lactol.</p> | <p>Lactogol.</p> <p>Mango chutney, tomato chutney, and tomato ketchup.</p> <p>Marmite.</p> <p>Mincemeat and mince pies.</p> <p>Mixtures and preparations containing not more than 10 per cent. aniline colour, not otherwise prohibited.</p> <p>Mohair and tops, noils, waste and yarns thereof.</p> <p>Paisly flour.</p> <p>"Phosto" animal food.</p> <p>Pudding powder.</p> <p>Puddings.</p> <p>Restorine.</p> <p>Vanilla custard.</p> |
|---|--|

## SAMPLES.

An open general licence has been issued which permits the free export of all *bona-fide* samples of prohibited goods to all destinations with which trade is now permitted. Samples exported under this licence may be used only for genuine sample purposes, *i.e.*, for obtaining orders from foreign buyers, and may not be sold except with the written consent of the Import and Export Licensing Section; but such consent may be dispensed with when it is desired to sell the articles in the country of destination after they have fulfilled their purpose as samples. Exporters will be required to satisfy the Customs Authorities that the goods presented for export under this licence are *bona-fide* samples, and to make a declaration to that effect on the relative shipping documents.

This notice only applies to samples of goods which require licences for export to the particular destination concerned.

In addition, the consent of the Import and Export Licensing Section is not required for the sale of samples which though within this scheme at the actual time they were exported, could be exported outside the scheme at the actual time of the proposed sale.

#### OPEN GENERAL LICENCE FOR COAL EXPORT.

An open General Licence has been issued, with effect from Thursday, 1st January 1920, permitting the export of coal, coke and manufactured fuel to all destinations abroad except Russia, Germany, Hungary, Austria, Turkey and Bulgaria, subject always to the approval, previously obtained, of the Controller of Coal Mines or his duly authorised representative, and subject to shipment being made in a vessel approved by the Commissioners of Customs and Excise or their Officers.

The Customs Authorities will require pre-entry to be made in all cases; and at ports where there is a duly authorised local representative of the Controller of Coal Mines (*see* list below), the approval referred to above will be signified by his endorsement on the pre-entry form, which must be presented to him for the purpose before shipment.

Where shipment is proposed to be made from a port not included in the list given below, it will be necessary for application for the Controller's approval to be made to the Export Branch of the Coal Mines Department in London. Shipments from all ports in the United Kingdom to the destinations excluded from the purview of the general licence must still be covered by an export licence from the Coal Mines Department.

The following are the ports shipments from which will be covered by the Local representative's endorsement on pre-entry.

District.	Controller's Representative.
All Scottish ports ...	Mr. W. D. Fuller, 4, Dunlop Street, Glasgow.
From Amble to Middleborough inclusive ...	Mr. W. R. Fisher, Guildhall Chambers, Quayside, Newcastle-on-Tyne.
Humber port (Hull to Grimsby inclusive) ...	Mr. A. D. Upton, 120, Alfred Gelder Street, Hull.
Mersey ports ...	Mr. J. Melrandi, Dock Board Offices, Liverpool.
From Burry Port to Newport inclusive	Mr. L. R. Lewis, Cymrie Buildings, Cardiff.

#### OPEN GENERAL LICENCE FOR THE EXPORT OF INDUSTRIAL EXPLOSIVES, SMOOTH-BORE GUNS, AND MUNITIONS FOR USE THEREWITH.

An Open General Licence has been issued for the export of industrial explosives, smooth-bore guns and munitions for use therewith, to the destinations given below, to which, therefore, exports may be made subject to the usual Customs formalities without applications for specific licences to the Import and Export Licensing Sections.

British Possessions and Protectorates (*see* note below).

French Possessions and Protectorates (*see* note below).

United States of America.

South America.

Japan and Korea.

Asiatic Russia.

France, Belgium, Spain, Portugal, Greece, Italy, Jugo-Slavia, Roumania, Norway, Sweden, Denmark, Holland, Switzerland, and Iceland.

In accordance with Article 6, Chapter 2, of the "Convention for the Control of the Trade in Arms and Ammunition", all consignments of Arms and Ammunition proceeding into or through any of the Prohibited Areas set out below will require a Specific Export Licence.



The Prohibited Areas are—

(1) The whole of the Continent of Africa, with the exception of Algeria, Libya, and the Union of South Africa. (Within this area are included all Islands situated within a hundred nautical miles of the coast, together with Prince's Island, St. Thomas Island, and the Islands of Annobon and Socotra.)

(2) Transcaucasia, Persia, Gwadar, the Arabian Peninsula and such continental parts of Asia as were included in the Turkish Empire on August 4, 1914.

(3) A maritime zone including the Red Sea, the Gulf of Aden, the Persian Gulf and the Sea of Oman, and bounded by a line drawn from Cape Guardafui, following the latitude of that cape to its intersection with longitude 57° east of Greenwich, and proceeding thence direct to the eastern frontier of Persia on the Gulf of Oman.

OPEN GENERAL LICENCE FOR THE EXPORT OF AIRCRAFT, &c.

An Open General Licence has been issued for the export of the under-mentioned goods to all destinations except Russia, Germany, Hungary, Austria, Turkey and Bulgaria. Applications are no longer to be made to the Import and Export Licensing Section of the Board of Trade in respect of the export of these goods to countries other than those mentioned:—"Aeroplane engines and their component parts. Aircraft other than balloons of all kinds, and their component parts together with accessories and articles suitable for use in connection with aircraft."

OPEN GENERAL LICENCE FOR THE EXPORT OF PARCELS CONTAINING  
MISCELLANEOUS FOODSTUFFS.

An Open General Licence has been issued for the export by parcel post of parcels containing one or more varieties of foodstuffs (for the personal use of the addressee and *not* for trading purposes) to all destinations with which trading is allowed, provided that any such parcel may not contain more than two pounds of sugar or more than one pound of butter. Applications need, therefore, no longer be submitted to the Import and Export Licensing Section in respect of the export of such parcels by parcel post.

NOTES REGARDING EXPORT TO CERTAIN COUNTRIES.

Exporters are warned that there are import prohibitions in some foreign countries, information regarding which can be obtained from the Department of Overseas Trade, 35, Old Queen Street, Westminster, S. W.-1, and 73, Basinghall Street, E. C.-2. The issue of an export licence implies no guarantee that the goods will be admitted into the country of destination.

There is no parcel post to Esthonia, Jugo-Slavia (except Dalmatia), Lettland (Latvia), Lithuania, Poland.

Germany.

Gift parcels sent by parcel post may enter Germany without import licence and also free from duty and taxes provided they do not contain more than 2 kilos (70 ozs.) of tobacco.

Russia (European).

Conditions under which trading with European Russia will be permissible are at present under consideration.

Syria.

A Parcel Post Service is in operation north of Acre to Alexandretta, and west of Aleppo, including—

Beyrout, Damascus, Hamah Homs, Latakia, Rayak and Tripoli.

Turkey.—Parcels for civilians in Turkey and its suburbs, and Smyrna will only be accepted if they are fully addressed "c-o Poste Restante, British Army Post Office, Constantinople," (and-or Smyrna) and parcels must be called for at the British Post Offices.

## URGENT ORDERS.

The Import and Export Licensing Section, Board of Trade, announces that, in collaboration with the Department of Overseas Trade, an arrangement has been made whereby firms receiving orders which require immediate acceptance may telegraph details of any such order to the Department of Overseas Trade in order to ascertain whether a licence will be granted for the export of the goods if the order is accepted.

In the event of an applicant being promised a licence he will be enabled to deal with the order straightaway with the knowledge that upon application being made in the proper form to the Import and Export Licensing Section (Board of Trade) the licence will be granted.

The telegrams should be addressed to "Orders, c-o. Advantage, Stock, London." They should give in each case in addition to the name and postal or telegraphic address of the applicant the quantity and description of the goods comprised in the order and the name and address of the ultimate consignee if the goods are destined for a neutral country. In the case of orders from Allied or British Territory or from Territory in the occupation of troops of the Associated Governments the consignee need not be stated; and it will be sufficient merely to give the country of destination. A reply of 24 words (1-3) must be prepaid.

Applicants are requested in their own interest to confine their enquiries to orders needing a very urgent decision, since the fewer the enquiries the more promptly can answers be given.

Any subsequent correspondence that is necessary in connection with the telegraphic enquiries should be addressed to the Controller-General, Department of Overseas Trade (Export Facilities Section), 35, Old Queen Street, Westminster, S. W -1.

## TRANSHIPMENT IN THE UNITED KINGDOM.

The provisional approval of the Import and Export Section, Board of Trade, should be obtained before the following goods are brought to this country for transhipment :—

Bacon, ham and lard of all kinds.

It is not now necessary to make application to the Collector of Customs at the transhipment ports on Form S. 90 for the transhipment of any goods except those specified in the following list :—

Foodstuffs for animal or human consumption which are on Section "A" or "B" of the list of prohibited exports (including tea and cocoa).

Seeds, oils and fats on Section "A" of the list of prohibited exports.

Synthetic dyestuffs.

Ergot.

Quinine sulphate.

Caustic potash.

Potassium carbonate.

Wool-tops and mixtures thereof.

Woollen and worsted yarn and mixtures thereof.

C. A. INNES,

*Secretary to the Govt. of India.*

The following notification issued by the Government of India in the Foreign and Political Department, published in the *Gazette of India*, dated the 17th April 1920, is republished for general information.

H. L. STEPHENSON,

*Offg. Chief Secy. to the Govt. of Bengal.*

## NOTIFICATION.

*Simla, the 14th April 1920.*

No. 833-G.—The Governor-General in Council is pleased to recognise the appointment of Mr. Frank Charles Danger to be in charge of the Vice-Consulate for the Argentine Republic at Calcutta during the absence of Mr. C. W. Rhodes.

A. N. L. CATER,

*Secretary to the Govt. of India.*



The following notification, issued by the Government of India in the Army Department, published in the *Gazette of India*, dated the 17th April 1920, are republished for general information.

H. L. STEPHENSON.

*Offg. Chief Secy. to the Govt. of Bengal.*

### NOTIFICATION.

*Simla, the 16th April 1920.*

#### JUDICIAL.

No. 688.—In exercise of the powers conferred by section 113 of the Indian Army Act, 1911 (VIII of 1911), the Governor General in Council is pleased to direct that the following amendments shall be made in the Indian Army Act Rules published with the Army Department notification No. 911, dated the 3rd November 1911, as subsequently amended, namely :—

1. In rule 7, sub-rule (A)—
  - (a) In item (v) for the words “the depôt of a corps” the words “a depôt of a corps” shall be substituted.
  - (b) After item (ix), the following shall be inserted :—
 

“(ix-a) The officer commanding a signal squadron, company, depôt or detached troop.	As regards persons enrolled in the Indian Signal Corps.
“(ix-b) The officer commanding a machine gun battalion.	As regards persons enrolled in the Machine Gun Corps.”
  - (c) In item (xi-a) for the words “training school, company or depôt” the words “training school or company” shall be substituted.
  - (d) After item (xxii), the following shall be inserted :—
 

“(xxii-a) The officer commanding a works battalion.	As regards persons enrolled in the Works Corps.”
---	--
2. In rule 8, after item (v), the following shall be inserted :—
 

“(vi) Persons serving in any Corps or Department who may be selected for non-commissioned rank.”
3. In rule 13, in column 1 of the Table annexed thereto the word “subordinate” shall be omitted wherever it occurs.
4. In rule 161—
 

In sub-rule (A)—

  - (a) For items (iv), (v), (vi) and (vii) the following shall be substituted :—
 

“(iv) The “Horse, Field and Garrison (Heavy) Artillery” comprising the Indian personnel of British Artillery except the Royal Garrison Artillery (Mountain Division).
“(v) The “Indian Artillery” comprising the Indian mountain batteries, the Frontier Garrison Artillery and the Indian personnel of the Royal Garrison Artillery (Mountain Division).
“(vi) The Indian Coast Artillery.
“(vii) The Corps of Followers—Royal Garrison Artillery (Coast and Inland).”
  - (b) Item (viii) shall be omitted.
  - (c) For item (ix), the following shall be substituted :—
 

“(ix) The Machine Gun Corps.”
  - (d) In item (xii), for the words “Each Signal Squadron or Company” the words “The Indian Signal Corps” shall be substituted.
  - (e) After item (xviii), the following shall be inserted :—
 

“(xix) The Works Corps.”

In sub-rule (C)—

- (a) In item (viii) for the words "Each Signal Squadron or Company" the words "Each Signal Squadron, Company, depôt or detached troops" shall be substituted.
- (b) After item (ix), the following shall be inserted :—  
"(ix-a) Each Machine Gun Battalion."
- (c) In item (xiv) for the words "training school, company or depôt" the words "training school or company" shall be substituted.
- (d) After item (xiv), the following shall be inserted :—  
"(xiv-a) Each Works Battalion."

5. In rule 165, for the words "Comptroller, India Treasuries" the words "Accountant General, Central Revenues" shall be substituted.

6. In the First Appendix to the said Rules, in Form III-F (as prescribed by Army Department Notification No. 2594, dated the 8th August 1919), between the portion entitled "Certificate of Enrolling officer" and the portion entitled "variation of conditions as to discharge," the following shall be inserted :—

#### "ATTESTATION."

Certified that the above person took the prescribed <sup>oath</sup>/<sub>affirmation</sub> before me  
at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19

*Signature of Attesting Officer* \_\_\_\_\_

A. H. BINGLEY, Major-General,  
Secretary to the Govt. of India.

The following resolution issued by the Government of India, in the Department of Commerce, published in the *Gazette of India Extraordinary* dated the 20th April 1920, is republished for general information.

H. L. STEPHENSON,  
*Offg. Chief Secy. to the Govt. of Bengal.*

No. 1223.

#### RESOLUTION.

##### POST AND TELEGRAPH ESTABLISHMENTS.

*Simla, the 20th April 1920.*

IN accordance with an undertaking given by the Director General, Posts and Telegraphs, on behalf of Government in the Imperial Legislative Council on March 10th, the Government of India have decided to appoint a Committee consisting of Government officers, non-official gentlemen and representatives of the staff to enquire into the conditions of service and pay of the subordinate postal staff. The Committee will be constituted as follows :—

*President*—Mr. H. N. Heseltine, C.I.E., late of the Indian Finance Department.

*Members*—  
 { The Hon'ble Rao Bahadur B. N. Sarma Garu, Member,  
 Imperial Legislative Council.  
 Sir Henry Ledgard of Messrs. Cooper Allen and Com-  
 pany, Cawnpore.  
 Mr. E. A. Doran, C.I.E., late Postmaster-General.  
 Rao Bahadur Srinivasa Rangachari, President,  
 Bangalore Postal Union.  
 Khan Sahib Eshan Azim, Superintendent of Post  
 Offices, United Provinces.

*Secretary*—Mr. P. N. Mukerji, M.A., M.R.A.S., Financial Personal Assistant to the Director General, Posts and Telegraphs.



2. The terms of reference to the Committee are to enquire into the conditions of service of the non-gazetted supervisory, clerical, sorting, delivery, and menial establishment employed in the Postal Branch, and such subordinate establishments of the Telegraph Branch, including Telephone staff, as have not been dealt with by the recent Telegraph Staff Committee, with special reference to the rates of pay and allowances, the hours of duty, and the principles which have been laid down for fixing the strength of the staff.

3. The Committee will assemble in Simla in April 1920.

ORDERED that a copy of the Resolution be forwarded to the Board of Industries and Munitions, the Director General of Posts and Telegraphs and to the President and Members of the Committee.

ORDERED also that the Resolution be published in the *Gazette of India*.

C. A. INNES,  
*Secretary to the Govt. of India.*

The following order, issued by the Government of India, in the Army Department, published in the *Gazette of India*, dated the 17th April 1920, is republished for general information.

H. L. STEPHENSON,  
*Offg. Chief Secy. to the Govt. of Bengal.*

*Simla, the 16th April 1920.*

#### INDIAN DEFENCE FORCE.

No. 700.—The undermentioned warrant and non-commissioned officers and men of the Indian Defence Force have been brought to the notice of the Government of India for meritorious service and devotion to duty in India during the war :—

##### *1st (Cossipore) Brigade, Mobile Artillery.*

No. 10 Battery Serjeant-Major John Duncan.  
No. 22 Battery Serjeant-Major James Bell.  
No. 141 Battery Quartermaster-Serjeant James Robertson Duncan.

##### *5th Calcutta Battalion.*

No. 707 Company Serjeant-Major David James Todd.  
No. 128 Serjeant James Charles Bain.  
No. 707 Serjeant Edward Cyril Trimming.

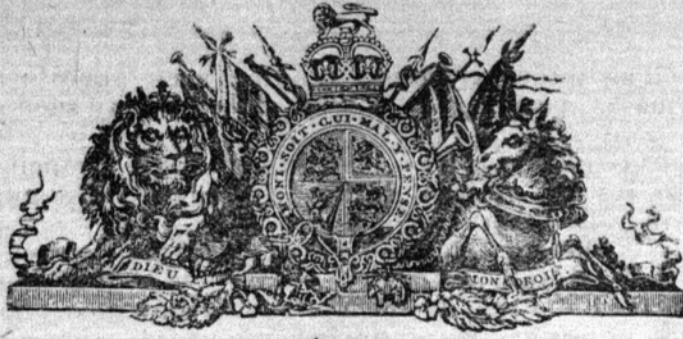
##### *37th Calcutta Presidency Battalion.*

No. 298 Company Serjeant Major Max Demeter Popovits.  
Regimental Quartermaster-Serjeant Jitendra Nath Bonnerjee.

##### *44th Calcutta Scottish.*

No. 8 Company Serjeant-Major Richard Victor Briggs.  
No. 10 Colour Serjeant (now Lieutenant) Alexander Pinkerton Muir.  
No. 71 Serjeant-Piper Malcolm Gordon Stuart.

A. H. BINGLEY, *Major-General,*  
*Secretary to the Govt. of India.*



# The Calcutta Gazette

WEDNESDAY, MAY 5, 1920.

## PART IA.

### **Orders and Notifications by the Government of India.**

The following notifications, issued by the Government of India in the Home Department, published in the *Gazette of India*, dated the 24th April 1920, are republished for general information.

G. N. Roy,  
*Offg. Secy. to the Govt. of Bengal.*

### NOTIFICATIONS.

#### JUDICIAL.

*Simla, the 17th April 1920.*

No. 736.—The following Order of His Majesty the King in Council regulating the practice in appeals to His Majesty in Council is published for general information:—

**At the Court at Buckingham Palace the 9th day of February 1920.**

*Present:*

#### THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas by an Act passed in the 4th year of the reign of His Majesty King William IV, entitled "an Act for the better Administration of Justice in His Majesty's Privy Council" it is, amongst other things, enacted that it shall be lawful for His Majesty in Council from time to time to make any such Rules and Orders as may be thought fit for regulating the mode, form and time of appeal to be made from the decisions of any Courts of Judicature in India (from the decisions of which an appeal lies to His Majesty in Council), and in like manner from time to time to make such other Regulations for the preventing delays in the making or hearing such appeals and as to the expenses attending the said appeals and as to the amount or value of property in respect of which any such appeal may be made:

And whereas Her Majesty Queen Victoria did by Her Order in Council of the 10th day of April 1838, approve certain rules and orders for regulating the mode, form and time of appeal from the decisions of the said Courts and also certain Regulations from the preventing delays in the making or hearing



such appeals and as to the expenses attending such appeals and as to the amount or value of property in respect of which any such appeal may be made:

And whereas the King's Most Excellent Majesty in Council hath deemed it expedient to rescind all the said rules, orders and regulations and to substitute others in lieu thereof:

His Majesty is, therefore, pleased, by and with the advice of His Privy Council, to rescind all the said rules, orders and regulations in the said Order in Council of the 10th day of April 1838, contained, and to approve of the several rules, orders and regulations contained in the schedule hereto, and to order as it is hereby ordered, that the same be respectively observed by all Courts of Judicature in India and by all persons whom it shall or may concern.

Whereof the Governor-General of India in Council, and all other persons whom it may concern, are to take notice and govern themselves accordingly

ALMERIC FITZROY.

*The schedule above referred to.*

1. Applications to the Court for leave to appeal to His Majesty in Council shall be made within 90 days of the decree or order to be appealed from, subject to the provisions of sections 4, 5 and 12 of the Indian Limitation Act, 1908.

2. The preparation of the record shall be subject to the supervision of the Court, and the parties may submit any disputed question arising in connection therewith to the decision of the Court, and the Court shall give such directions thereon as the justice of the case may require.

3. The Registrar, as well as the parties and their legal agents, shall endeavour to exclude from the record all documents (more particularly such as are merely formal) that are not relevant to the subject-matter of the appeal, and, generally, to reduce the bulk of the record as far as practicable, taking special care to avoid the duplication of documents and the unnecessary repetition of headings and other merely formal parts of documents; but the documents omitted to be copied or printed shall be enumerated in a manuscript list to be transmitted with the record.

4. Where in the course of the preparation of a record one party objects to the inclusion of a document on the ground that it is unnecessary or irrelevant and the other party nevertheless insists upon its being included, and the Court allows the document to be included, the record, as printed (whether in India or in England), shall, with a view to the subsequent adjustment of the costs of and incidental to such document, indicate in the index of papers, or otherwise, the fact that, and the party by whom, the inclusion of the document was objected to.

5. Where the record is printed in India, the Registrar shall, at the expense of the appellant, transmit to the Registrar of the Privy Council 40 copies of such record, one of which copies he shall certify to be correct by signing his name on, or initialling every eighth page thereof and by affixing thereto the seal, if any, of the Court.

6. When the Record is to be printed in England, the Registrar shall, at the expense of the appellant, transmit to the Registrar of the Privy Council one certified copy of such record, together with an index of all the papers and exhibits in the case. No other certified copies of the Record shall be transmitted to the Agents in England by or on behalf of the parties to the Appeal.

7. Where there are two or more Appeals arising out of the same matter, and the Court is of opinion that it would be for the convenience of the Lords of the Judicial Committee and all parties concerned that the Appeals should be consolidated, the Court may direct the Appeals to be consolidated.

8. An appellant who has obtained a certificate for the admission of an appeal may at any time prior to the making of an order admitting the appeal withdraw the appeal on such terms as to costs and otherwise as the Court may direct.

9. Where an appellant, having obtained a certificate for the admission of an appeal, fails to furnish the security or make the deposit required (or apply with due diligence to the Court for an order admitting the appeal), the Court may, on its own motion or on an application in that behalf made by the Respondent, cancel the certificate for the admission of the appeal, and

may give such directions as to the costs of appeal and the security entered into by the appellant as the Court shall think fit, or make such further or other order in the premises as, in the opinion of the Court, the justice of the case requires.

10. An appellant whose appeal has been admitted shall prosecute his appeal in accordance with the rules for the time being regulating the general practice and procedure in appeals to His Majesty in Council.

11. Whereas an appellant whose appeal has been admitted, desires, prior to the dispatch of the record to England, to withdraw his appeal, the Court may, upon an application in that behalf made by the appellant, grant him a certificate to the effect that the appeal has been withdrawn, and the appeal shall thereupon be deemed, as from the date of such certificate, to stand dismissed without express order of His Majesty in Council, and the costs of the appeal and the security entered into by the appellant shall be dealt with in such manner as the Court may think fit to direct.

12. Where an appellant, whose appeal has been admitted, fails to show due diligence in taking all necessary steps in connection with the preparation of the record, the Court may, either on its own motion or on the application of the respondent, call upon the appellant to show cause why a certificate should not be issued that the appeal has not been effectually prosecuted by the appellant, and if the Court sees fit to issue such a certificate, the appeal shall be deemed, as from the date of such certificate, to stand dismissed for non-prosecution without express order of His Majesty in Council, and the costs of the appeal and the security entered into by the appellant shall be dealt with in such manner as the Court may think fit to direct.

13. Where at any time between the admission of an appeal and the dispatch of the Record to England the Record becomes defective by reason of the death, or change of status, of a party to the Appeal, the Court may notwithstanding the admission of the appeal, on an application in that behalf made by any person interested, grant a certificate showing who, in the opinion of the Court, is the proper person to be substituted, or entered, on the record, in place of, or in addition to, the party who has died, or undergone a change of status, and the name of such person shall thereupon be deemed to be so substituted or entered on the record as aforesaid without express order of His Majesty in Council. If, in the opinion of the Court, there has been undue delay in making this application, the Court may order the appellant, or the party interested, to take all necessary steps to perfect the Record within such time as the Court may direct, and, if he fails to comply with such order, the Court may call upon him to show cause why a certificate should not be issued that the appeal has not been effectually prosecuted, and if the Court sees fit to issue such a certificate, the appeal shall be deemed, as from the date of such certificate, to stand dismissed for non-prosecution without express order of His Majesty in Council, and the costs of the Appeal and the security entered into by the Appellant shall be dealt with in such manner as the Court may think fit to direct.

14. Where the Record subsequently to its dispatch to England becomes defective by reason of the death, or change of status, of a party to the appeal the Court may, upon an application in that behalf made by any person interested, cause a certificate to be transmitted to the Registrar of the Privy Council showing who, in the opinion of the Court, is the proper person to be substituted, or entered, on the Record, in place of, or in addition to, the party who has died, or undergone a change of status. If, in the opinion of the Court, there has been undue delay in making this application, the Court may order the Appellant, or the party interested, to take all necessary steps to perfect the Record within such time as the Court may direct, and, if he fails to comply with such order, the Court shall report the matter to the Registrar of the Privy Council.

15. These rules shall come into operation on the 1st day of January 1921, or on such other date as the Governor-General of India in Council may determine.

*The 20th April 1920.*

No. 755.—In the Home Department notification No. 501, dated the 11th March 1920, granting furlough to the Hon'ble Sir Lancelot Sanderson, K.T., K.C., Barrister-at-law, Chief Justice of the High Court of Judicature at Fort William in Bengal, for "25th March 1920" read "24th March 1920."



No. 757.—In the Home Department notification No. 572, dated the 23rd March 1920, appointing the Hon'ble Justice Sir Ashutosh Mukharji, KT., C.S.I., to perform the duties of Chief Justice of the High Court of Judicature at Fort William in Bengal, for "25th March" read "24th March."

*The 21st April 1920.*

No. 769.—Sir Charles Kesteven, KT., Solicitor to the Government of Bengal, is granted extraordinary leave for seven months from the 19th April 1920 or such subsequent date as he may avail himself of it, under articles 332 and 658 of the Civil Service Regulations.

H. MCPHERSON,

*Secretary to the Govt. of India.*

The following notifications issued by the Government of India in the Home Department, published in the *Gazette of India*, dated the 24th April 1920, are republished for general information.

H. L. STEPHENSON,

*Offg. Chief Secy. to the Govt. of Bengal.*

#### NOTIFICATIONS.

##### MEDICAL.

*Simla, the 22nd April 1920.*

No. 364.—Rai Chuni Lal Basu Bahadur, I.S.O., officiating Chemical Examiner, Bengal, and Professor of Chemistry, Medical College, Calcutta, is granted, with effect from the 13th March 1920 privilege leave for six months preliminary to retirement.

No. 365.—In supersession of the Home Department notification No. 259, dated the 18th March 1920, Captain R. B. Lloyd, M.B., I.M.S., Resident Medical Officer, Medical College Calcutta, is appointed to officiate as Chemical Examiner, Bengal, and Professor of Chemistry, Medical College, Calcutta, during the absence on leave of Rai Chuni Lal Basu Bahadur and until further orders.

H. MCPHERSON,

*Secretary to the Govt. of India.*

The following notification, issued by the Government of India in the Foreign and Political Department, published in the *Gazette of India*, dated the 24th April 1920, is republished for general information.

H. L. STEPHENSON,

*Offg. Chief Secy. to the Govt. of Bengal.*

#### NOTIFICATION.

*Simla, the 19th April 1920.*

No. 884-G.—The Governor-General in Council is pleased to recognise the appointment of Monsieur Gerardus Hendrikus Hauer as Acting Consul-General for the Netherlands at Calcutta, during the absence of Monsieur P. Staal.

A. N. L. CATER,

*Secretary to the Govt. of India.*

The following notifications, issued by the Government of India in the Finance Department, published in the *Gazette of India*, dated the 24th April 1920, are republished for general information.

H. L. STEPHENSON,

*Offg. Chief Secy. to the Govt. of Bengal.*

#### NOTIFICATIONS.

##### SEPARATE REVENUE.

STAMPS.

*Simla, the 22nd April 1920.*

*No. 1256-F.*—In exercise of the powers conferred by section 20, subsection (2) of the Indian Stamp Act, 1899 (II of 1899), the Governor-General in Council is pleased to direct that the following amendment shall be made in the table attached to the notification of the Government of India in the Finance and Commerce Department No. 1281S.R., dated the 17th March 1899, namely:—

In the third column of the first item for the words and figures “Rs. 15, but in the case of bills of exchange (Article No. 13, Schedule I) Rs. 10 only” the word and figure “Rs. 10” shall be substituted.

##### SEPARATE REVENUE.

INCOME-TAX.

*The 23rd April 1920.*

*No. 1268-F.*—In exercise of the powers conferred by section 7 of the Super-tax Act, 1920 (XIX of 1920), the Governor-General in Council is pleased to delegate to Local Governments the power to make rules under the said Act.

J. E. C. JUKES,

*Joint-Secretary to the Govt. of India.*

The following notifications issued by the Government of India in the Department of Commerce, published in the *Gazette of India*, dated the 24th April 1920, are republished for general information.

H. L. STEPHENSON,

*Offg. Chief Secy. to the Govt. of Bengal.*

#### NOTIFICATIONS.

##### CUSTOMS ESTABLISHMENT.

*Simla, the 24th April 1920.*

*No. 1248.*—Mr. O. B. McManus, a probationer in the Imperial Customs Service, is transferred from Burma to Bengal, with effect from the 30th March 1920.

*No. 1311.*—Mr. P. N. Chandavarkar, an Assistant Collector in the Imperial Customs Service, is granted privilege leave for one month, with effect from the 15th April 1920, or the subsequent date from which he may avail himself of the leave.



## EMIGRATION.

*The 24th April 1920.*

No. 1343.—In pursuance of section 116-A, sub-section (4) of the Assam Labour and Emigration Act, 1901, as amended by the Assam Labour and Emigration (Amendment) Act, 1915, the Governor-General in Council is pleased to approve, with effect from the 11th March 1920 and the 19th March 1920, respectively, of the election of Mr. A. d A. Willis and Mr. J. A. C. Munro to be members of the Assam Labour Board as representatives of the Indian Tea Association, Calcutta, and of the Indian Tea Association, London, *vice* Messrs. W. O. Grazebrook and H. W. Carr, resigned.

## POST AND TELEGRAPH ESTABLISHMENT.

*The 24th April 1920.*

No. 1265.—*Corrigendum*.—In the Resolution of the Department of Commerce, No. 1223, dated the 20th April 1920, *delete* the words “of Messrs. Cooper Allen and Company, Cawnpore,” which appear after “Sir Henry Ledgard.”

C. A. INNES,

*Secretary to the Govt. of India.*

The following notification issued by the Government of India in the Board of Industries and Munitions, published in the *Gazette of India*, dated the 24th April 1920, is republished for general information.

H. L. STEPHENSON,

*Offg. Chief Secy. to the Govt. of Bengal.*

## NOTIFICATION.

## GEOLOGY AND MINES ESTABLISHMENT.

*Simla, the 24th April 1920.*

No. Min-199-5.—Mr. G. F. Adams, C.B.E., M. Inst. C.E., Chief Inspector of Mines in India, is granted such privilege leave as may be due to him on the 1st May 1920 or the subsequent date on which he may avail himself of it, in combination with commuted furlough on full average salary and ordinary furlough of such duration as may bring the total period of absence up to one year and six months.

F. R. R. RUDMAN,

*Secretary, Board of Industries and Munitions.*



# The Calcutta Gazette

WEDNESDAY, MAY 12, 1920.

## PART IA.

### ***Orders and Notifications by the Government of India.***

The following notifications issued by the Government of India, in the Home Department, published in the *Gazette of India*, dated the 24th April 1920, are republished for general information.

H. L. STEPHENSON,  
*Chief Secy. to the Govt. of Bengal.*

#### NOTIFICATIONS.

##### ESTABLISHMENT.

*Simla, the 22nd April 1920.*

No. 812.—Mr. J. D. V. Hodge, of the Indian Civil Service, is appointed to be Additional Under-Secretary to the Government of India in the Home Department, with effect from the 17th April 1920.

##### POLICE.

*The 23rd April 1920.*

No. 719.—The following regulations relating to appointments to the Indian (Imperial) Police Service in 1920 are published for general information.

2. The Secretary of State for India in Council proposes not to hold any competitive examination during the year 1920, for admission into the Indian (Imperial) Police Service, but to make a number of appointments of probationers by nomination as described below from among gentlemen who have rendered military service during the war.



3. *Number of appointments.*—Appointments will be made in the United Kingdom by the Secretary of State for India in Council and in India by the Government of India from among candidates who at the time of application were resident in India or adjacent countries including Mesopotamia. The precise number of appointments to be made in the United Kingdom and in India will be announced hereafter.

4. *Method of application for appointments made in the United Kingdom.*—For the appointments to be made in the United Kingdom a qualifying examination will be held for admission to which applications must be made to the Civil Service Commissioners, London, on the prescribed form, accompanied by a fee of 5s. The application form must reach the Civil Service Commissioners not later than the 29th May 1920.

5. *Method of application for appointments made in India.\**—Applications must be made on the annexed form (copies of which can be obtained on application to the nearest staff office) to the Adjutant General in India, Simla. Such applications will be accepted up to the 15th June 1920 from candidates in India and up to the 30th June 1920 from candidates overseas. Candidates will in due course receive from the Adjutant General in India, any further information or instructions that may be necessary.

[*Warning.*—Any attempt on the part of a candidate to enlist support for his applications through officers of Government or other influential persons will disqualify him for appointment. The Selection Committee will disregard spontaneous recommendations from persons who are not personally acquainted with the candidate's work, whether at school, at the university, in the Forces or otherwise.]

6. *Conditions of eligibility.*—

(a) Every candidate must have been born on or after 2nd June 1894 and on or before 1st August 1900.

(b) Every candidate must be a British subject and at the time of his birth his father must also have been a British subject.

(c) Every candidate must have served in His Majesty's Naval, Military, or Air Forces during the war.

(d) Every candidate must be of good character in civil and military life.

(e) Candidates for the appointments made in India by the Government of India must satisfy the latter, or the Selection Committee appointed by them on that behalf, that they have received whole-time, continuous and systematic education up to the age of 18, or until the date of entering His Majesty's Forces, whichever is the earlier, and must undergo a qualifying examination† in English, Arithmetic and General knowledge. English will include essay writing, précis writing and other tests. General knowledge will include matters historical, economic, social, political, geographical and scientific.

7. Those candidates who satisfy all the conditions referred to above and are considered suitable will be summoned to an interview before a Selection Committee who will prepare a list of candidates suitable for appointment, subject to medical examination, and submit their recommendations for the orders of the Government of India.

NOTE—A candidate who applied for appointment in 1919 but was not selected is not debarred from applying again for one of the appointments to be made in 1920.

8. *Medical Examination.*—Candidates who are recommended for appointment will be required to undergo an examination as to their physique and capacity for active out-door work in the plains of India.

\* Rules applicable to the case of Indian candidates were published in a Press Communique on the 21st November 1919.

† The qualifying examination will begin on the 29th July 1920 at centres to be notified hereafter.

9. *Riding*.—Selected candidates will be required either to give satisfactory proof of their ability to ride or to undergo such riding tests as may be hereafter prescribed.

10. *Allotment to Provinces*.—Selected candidates will be allotted as probationers to the various provinces in India upon a consideration of all the circumstances including their own wishes; but the requirements of the public service will rank before every other consideration. The allotments will also be subject to the right of the Government of India to make transfers, if necessary.

11. (a) *Uniform*.—It is an ordinary condition of appointment that a successful candidate shall provide himself, or be provided by his parents or guardians, with his uniform or the cost thereof. Government makes a contributory grant of £30 towards the cost of uniform.

(b) *Horse and Saddlery*.—A successful candidate must, when required to do so by Government, provide himself with a suitable horse and saddlery at his own expense. Local Governments in India are authorised to make to a newly-appointed officer a grant of a sum not exceeding Rs. 600 towards the cost of such horse and saddlery.

12. *Joining the Police Service*.—Subject to what is stated in the next paragraph as regards the taking of leave before joining civil appointment, probationers will be required to join their appointments, if possible, within a short time of their final selection. Failure to do this will, in the absence of satisfactory explanation, lead to forfeiture of appointment.

13. *Leave before joining civil appointment*.—Each selected candidate will be granted leave at the rate of one month for each year of military service subsequent to his last departure from England, subject to a maximum of four months. He will receive, while on leave, the full pay of his new civil appointment. Every selected candidate who has earned the full period of leave admissible will be required to take it immediately after his release from military service and before joining his civil appointment. A selected candidate who has earned less than the maximum of four months will have the option of either taking the amount earned forthwith, or of joining his civil appointment with that amount to his credit and taking it later combined with civil leave earned in the meanwhile. In such a case combined leave on full pay will be limited to four months.

As the restriction of this concession to military service subsequent to a candidate's last departure from England might operate harshly in some cases, the Secretary of State has authorised the Government of India to relax this condition where it is considered necessary.

Any officer taking leave under these arrangements will receive a free passage from England to India on the expiry of his leave. In the event of his being discharged from the police service within three years of the date of his appointment on any ground other than that of ill-health, he will be liable to refund to the Government the cost of any free passages granted him under these leave rules.

14. *Rates of pay, and pay during probation*.—The rates of pay are set out in Appendix I.

In the case of candidates selected under these Regulations, the following modification of the normal scale has been approved. Those whose ages



on the 1st August preceding their reporting themselves for duty were as stated below receive pay in the time scale as follows, viz. :—

Age.		Pay.	
		Rs.	
20, 21 and 22 years	...	325	} a month <i>plus</i> an overseas allowance of Rs. 125 a month in the case of officers of non-Indian domicile.
23 and 24 "	...	350	
25 and 26 "	...	375	

The pay of a probationer commences from the date on which he reports to the authorities for duty.

15. *Period of probation.*—Probationers will be required to qualify by passing the necessary departmental examinations (as well as the riding test if required—see Regulation 9) within two years of their appointment.

16. *Liability of probationers to removal.*—Any probationer who may fail to pass the prescribed examinations within two years or be found unfit for police duties will be liable to removal from the Service. Any probationer so removed from the Service will be furnished with a free passage to England provided that he utilises such passage within three months from date of such removal.

It should be understood that the probation to be undergone by selected candidates will be of a real character.

17. *Seniority.*—Candidates appointed during 1919 and 1920 will all be graded *inter se* strictly according to age.

18. *Promotion after probation.*—No probationer will be eligible for promotion for acting or substantive posts until he has passed the prescribed departmental examinations, including the riding test.

19. *Leave, Pension and Provident Fund.*—Officers joining the Indian Police under these conditions will find a summary of information regarding leave, pension and provident fund in Appendices II, III and IV. The Secretary of State for India in Council has decided that service in His Majesty's Naval, Military or Air Force during the war, including sick leave, shall count, as stated below, for retiring and invalid pension.

Age of candidate on 1st August preceding the date of reporting himself for police duty.					Period of service allowed to count for pension.
Under 22 years	...	...	...	...	Nil
22 and under 23 years	...	...	...	...	Up to 1 year.
23 " " 24 "	...	...	...	...	" 2 years.
24 " " 25 "	...	...	...	...	" 3 "
25 years and over	...	...	...	...	" 4 "

20. *Articles of Agreement.*—Probationers will be required to sign articles of agreement, describing the terms and conditions of their appointment before the appointment is made.

## APPENDICES.

## APPENDIX I.

## PAY.

The following revised rates of pay for the Indian (Imperial) Police Service have been approved with effect from 1st January 1920.

## 2.—Time-scale.

Year of Service.	JUNIOR.			SENIOR.		
	Pay.	Overseas allowance.	Total.	Pay.	Overseas allowance.	Total.
1	2	3	4	5	6	7
	Rupees per mensem.			Rupees per mensem.		
1st ...	325	125	450			
2nd ...	325	125	450			
3rd ...	350	125	475			
4th ...	350	125	475	500	125	625
5th ...	375	125	500	525	125	650
6th ...	375	125	500	525	125	650
7th ...	400	150	550	550	150	700
8th ...	400	150	550	550	150	700
9th ...	450	150	600	600	150	750
	(Efficiency bar here.)					
10th ...	500	150	650	650	150	800
11th ...	500	200	700	650	200	850
12th ...	500	200	750	700	200	900
13th ...	600	200	800	750	200	950
14th ...	600	250	850	750	250	1,000
15th ...	650	250	900	800	250	1,050
16th ...	.....	.....	.....	850	250	1,100
17th ...	.....	.....	.....	900	250	1,150
18th ...	.....	.....	.....	950	250	1,200
	(Efficiency bar here.)					
19th ...	.....	.....	.....	1,000	250	1,250
20th ...	.....	.....	.....	1,000	250	1,250
21st ...	.....	.....	.....	1,050	250	1,300
22nd ...	.....	.....	.....	1,050	250	1,300
23rd ...	.....	.....	.....	1,100	250	1,350
24th ...	.....	.....	.....	1,100	250	1,350
25th ...	.....	.....	.....	1,150	250	1,400

NOTE.—All officers enter on the "junior scale," but when they attain certain posts of higher responsibility they are classed as coming under the "Senior scale" and draw pay thereunder for so long as they hold such posts (whether officiating in them or appointed substantively to them).



## 3. Appointments above the time scale :—

Post.	Pay per mensem. Rs.
Deputy Inspectors-General of Police ...	1,600—100—2,000
Commissioners of Police, Calcutta and Bombay ... ..	2,000—100—2,500
*Inspectors-General of Police—	
Madras, Bombay, Bengal, United Provinces, Punjab, Burma, Bihar and Orissa ...	2,500—100—3,000
Central Provinces ... ..	2,250—100—2,750
Assam ... ..	2,000—100—2,500
North-West Frontier Province ...	2,000—100—2,400

4. The time-scale in paragraph 2 above will cover the appointments of Assistant Superintendent of Police and District Superintendent of Police.

5. The overseas allowances set out in columns 3 and 6 of the table in paragraph 2 above (which will reckon as pay for all purposes of the Civil Service Regulations) will be admissible only to officers of non-Indian domicile.

\*These appointments are not set apart exclusively for members of the Police Department, and the Government reserves discretion to fill them by the selection of any officers who are considered best fitted for them, whether in the Department or outside it.

## APPENDIX II. (See para. 19 of the Regulations.)

[NOTE.—Appendices II and III are merely intended to show the principal leave and pension rules in the Civil Service Regulations at present applicable to the Indian (Imperial) Police Service without going into minute details, and do not profess to deal with every case that may arise. The rules are subject to alteration, and any disputed question must be decided with reference to the authorised text of the Civil Service Regulations for the time being.]

## LEAVE.

1. The following is a summary of the principal regulations relating to the leave admissible to officers appointed to the Indian (Imperial) Police Service.

*Long Leave.*

2. Furlough with allowances (see paragraph 5) is admissible to an aggregate maximum amount of six years during an officer's service.

3. The amount of furlough "earned" is one-fourth of an officer's active service, and the amount "due" is that amount less any enjoyed.

4. Except as provided in Rule 7, furlough without medical certificate is limited to the amount "due" and may not exceed two years at a time. On medical certificate furlough may be extended to three years.

5. The allowances admissible during furlough are—

(1) During any period of furlough not exceeding two years half average salary, subject to certain maximum and (in the case of furlough with medical certificate) minimum limits.

(2) After the expiration of the first two years of any period of furlough, one quarter of average salary, subject to certain maximum and minimum limits.

6. Furlough on half average salary (see para. 5) may be commuted into leave on higher pay subject to the following conditions:—

(1) The leave on higher pay, or "commuted furlough," is fixed at one-half of the furlough commuted.

- (2) The amount of furlough which may be commuted during an officer's total service is limited to two years.
  - (3) The commuted furlough will carry an allowance at the rate of average salary, subject to a maximum of 2,400*l.* a year.
  - (4) Subject to special consideration in exceptional circumstances, an officer must have six months' furlough at his credit at the end of the "commuted furlough," or any leave granted to him in continuation of it.
  - (5) In any one period of leave not more than eight months may be spent on "commuted furlough" or on "commuted furlough" combined with privilege leave.
  - (6) For the purpose of the rules governing the extent to which leave taken out of India may be allowed to count as service for pension, time spent out of India on "commuted furlough" will be reckoned according to its actual duration and not according to the duration of the furlough in exchange for which it is granted.
7. In respect of urgent private affairs, an officer may be granted furlough in excess of the amount "due" for a period not exceeding six months at one time or 12 months in the whole of his service.

#### *Short Leave.*

8. Privilege Leave is a holiday which may be granted to the extent of one-eleventh part of the time that an officer has been on duty without interruption; and it may be accumulated up to four months.

Subject to certain conditions Privilege Leave may be combined with furlough or extraordinary leave without pay.

9. Joining time for a short period, usually with half average salary, is granted to an officer returning from leave out of India to enable him to rejoin his appointment.

10. Short Leave is also granted to enable officers to appear at examinations, etc.

11. Extraordinary Leave without allowances may be granted in case of necessity, and, except in certain specified cases, only when no other kind of leave is by rule admissible. It may be granted in continuation of other leave.

#### *General.*

12. Leave of absence, whether on furlough or on privilege leave, can never be claimed as of right, and is given or refused at the discretion of Government.

#### APPENDIX III. (See *para. 19 of the Regulations.*)

(See *Note at commencement of Appendix II.*)

#### PENSIONS.

1. The following is a summary of the pension rules applicable to officers of the Indian (Imperial) Police Service.



2. Subject to the absolute right of the Government of India to decline to permit any officer to retire before reaching the age for superannuation, should it be necessary in the public interest to retain his services, officers will be allowed to retire optionally after 25 or more years' service.

3. Retirement is ordinarily required at the age of 55 years, but for special reasons an officer is sometimes retained after attaining that age.

4. An officer becomes eligible for full retiring pension on completing 30 years' qualifying service.

5. If before completing this period of service an officer is permitted to retire voluntarily after completion of 25 or more years' qualifying service (para. 2), or is compelled to retire on attaining the age of 55 (para. 3), or through ill-health not occasioned by irregular or intemperate habits, he will be eligible for a reduced pension or, if invalided with less than 10 years' qualifying service, for a gratuity.

6. The amount of pension or gratuity is regulated as follows:—

(a) After a service of less than 10 years.—A gratuity not exceeding one month's emoluments for each completed year of service.

(b) After a service of not less than 10 years.—A pension not exceeding the following amounts:—

Year of completed service.	Sixtieths of average emoluments.	Maximum limit of pension.
		Rs.
10	10	2,000 a year.
11	11	2,200 "
12	12	2,400 "
13	13	2,600 "
14	14	2,800 "
15	15	3,000 "
16	16	3,200 "
17	17	3,400 "
18	18	3,600 "
19	19	3,800 "
20	20	4,000 "
21	21	4,200 "
22	22	4,400 "
23	23	4,600 "
24	24	4,800 "
25	25	5,000 "
26	26	5,200 "
27	27	5,400 "
28	28	5,600 "
29	29	5,800 "
30	30	6,000 "

7. The Government may retire any officer after he has completed 25 years' service without giving reasons, and without admitting any claim to compensation in addition to pension, and in that event the pension admissible to him will ordinarily be regulated on a scale not exceeding that laid down above. Government also reserves the general power to reduce the pension ordinarily admissible in all cases where an officer's service has been unsatisfactory.

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*Additional Pensions.*

8. The Government of India have classified certain high appointments into two grades, the lower comprising those posts which involve high but intermediate responsibility, the higher consisting of those which require a marked degree of independent administrative and professional capacity. Officers who have held appointments in the lower grade will be entitled to an additional pension at the rate of Rs. 300 per year of service in any appointments included in that grade, provided that no officer may draw an additional pension in excess of Rs. 1,500 in respect of service classed in the lower grade. Officers who have held appointments classed in the upper grade will be entitled to an additional pension at the rate of Rs. 500 for each year of service rendered in any appointment included in that grade, provided that no officer may draw an additional pension in excess of Rs. 2,500 in respect of service rendered in the lower and upper grades combined or in the upper grade alone.

9. These additional pensions will be awarded only to officers who have given proof of special energy and efficiency, and will be subject to the condition that an officer must not retire voluntarily before the age of 55 with less than 28 years' service.

The upper grade includes:—

Inspectors-General of Police (except Inspector-General of Police, North-West Frontier Province, and Inspector-General, Railway Police, Rajputana).

Director of Central Intelligence.

Commissioners of Police, Calcutta and Bombay.

The lower grade includes:—

Inspector-General of Police, North-West Frontier Province, and Inspector-General, Railway Police, Rajputana.

Deputy Inspector-General of Police.

Commissioners of Police, Madras and Rangoon.

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#### APPENDIX IV.

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#### PROVIDENT FUND.

A General Provident Fund, to which contribution is compulsory, has also been established on the following basis:—

- (1) The contribution is compulsory up to 6½ per cent. on salaries, with voluntary contributions of not more than a further 9½ per cent. Subscriptions on leave of any kind are optional.
- (2) Compound interest on such payments is annually credited by Government to each officer subscribing.
- (3) The sum which thus accumulates to the credit of an officer is his absolute property, subject to the rules of the Fund, and is handed over to him, unconditionally, on quitting the service; or, in the event of his death before retirement, to his legal representatives or such other person or persons as, under and subject to the rules of the Fund for the time being in force, may be entitled thereto.



**INDIAN POLICE FORCE.****Appointments to be made in India in 1920.****FORM OF APPLICATION.**

*This form must be completed by the Candidate in his own handwriting and returned, with the necessary documents, to the Adjutant General in India not later than 15th June 1920 (for overseas candidates, 30th June 1920).*

*If candidates who return the Application form do not receive an acknowledgment of it within a reasonable time, they should communicate with the Adjutant General in India, Simla.*

1	Name in full, surname first in capitals.
2	Present Address in full. ( <i>Any subsequent alteration to be notified to the Adjutant General in India.</i> )
3	Name and address of parent or nearest relative.
4	Exact date of Birth, and age last birthday. ( <i>A Birth Certificate will be required in event of the offer of an appointment, or if this is not obtainable, other satisfactory evidence.</i> )
5	Place of birth.

6	Nationality at Birth.
7	Father's place of Birth and nationality at Birth.
8	Profession or occupation of father; and whether, at the time of Candidate's birth, his father was a British subject.
9	Mother's place of Birth and nationality at Birth.
10	Schools in order, giving dates of entering and leaving. Any position of authority held, any distinction attained in school work, games, school societies, etc., any University scholarship won.
11	University (if any) with dates of entering and leaving. Degree (if any) and any other distinctions. Name of College and College Tutor.
12	Record of service during the war from start to finish, with dates, including any decoration or distinctions. Rank, regiment, and (if not commissioned) regimental number; or similar complete means of identification. Name and address of superior officer or other suitable referee as to services.
13	Name of any Government Office in which Candidate has served, with dates of service, with the name and official address of superior officer.



14	Any time since entering school not otherwise accounted for should be accounted for here.
15	Whether Candidate has on any former occasion applied for a Government appointment. If so, when and for what appointment.
16	Names, postal addresses and professions of two referees, who should be responsible persons, well acquainted with Candidate in private life, but not relatives, and unconnected with his School or University.  (i)  (ii)
17	Whether Candidate is able to ride.
18	Particulars of any physical impairment suffered through the war.
19	Whether trained at the public expense in any Training College in England and Wales?
20	If under 21 years of age, whether parent or guardian has consented to candidature. ( <i>Consent in writing to be appended.</i> )
21	Whether Candidate, or his parent or guardian, is prepared, taking into consideration the grants referred to in No. 11 of the Regulations, to provide (a) his uniform or the cost of it, and (b) not less than Rs. 600 for the purchase of a horse and saddlery in India. ( <i>Parent's or guardian's reply to be appended if Candidate under 21.</i> )
22	Whether married. If so, how many children.

Signature of Candidate \_\_\_\_\_

Date \_\_\_\_\_ 1920.

## PUBLIC.

## RESOLUTION.

*The 21st April 1920.*

The attention of the Government of India has been drawn to a rule laid down by the Colonial Office that an officer who has retired from the Colonial Service may not accept a directorate of a company the principal part of whose business is directly concerned with the Colony or Protectorate in which he has served, or employment in the Colony or Protectorate under such a company, without obtaining the previous approval of the Governor; and they have had under consideration the question whether it is necessary to lay down some similar rule for retired officers of the Indian services.

2. After consultation with Local Governments and careful consideration of their views, the Government of India have come to the conclusion that, while it is not necessary at the present time to lay down a definite rule, it is desirable that retired Government servants, especially Gazetted officers, before accepting directorships, partnerships or agencies of, or employment by any company or firm or individual engaged in commercial business or associated with the management of land in India, should either obtain the consent of the Government of India, or if the company is managed in London, the consent of the Secretary of State. The Government of India believe that this procedure will conduce alike to the interests of the officers concerned and to those of the services generally, and are prepared to leave it to the good sense and loyalty of their officers to observe the procedure now suggested.

*Order.*—Ordered that a copy of this Resolution be forwarded to Local Governments and Administrations and to all Departments of the Government of India for information, and that it be published in the *Gazette of India* for general information.

H. MCPHERSON,

*Secretary to the Govt. of India.*

The following notification issued by the Government of India, in the Finance Department, published in the *Gazette of India*, dated the 24th April 1920, is republished for general information.

H. L. STEPHENSON,

*Chief Secy. to the Govt. of Bengal.*

## NOTIFICATION.

## LEAVE AND APPOINTMENT.

*Simla, the 19th April 1920.*

No. 600F.-E.—Mr. J. C. Nixon, I.C.S., has been appointed as Under-Secretary to the Government of India in the Finance Department, with effect from the 6th April 1920.

J. E. C. JUKES,

*Joint Secretary to the Govt. of India.*

The following notifications issued by the Government of India, in the Home Department, published in the *Gazette of India*, dated the 1st May 1920, are republished for general information.

H. L. STEPHENSON,

*Chief Secy. to the Govt. of Bengal.*

## NOTIFICATIONS.

## MEDICAL.

*Simla, the 26th April 1920.*

No. 375.—Lieutenant-Colonel R. P. Wilson, F.R.C.S., D.P.H., I.M.S., Professor of Surgery, Medical College, Calcutta, and Surgeon to the College Hospitals, is granted combined leave for eight months, i.e., privilege leave for four months and in continuation furlough for four months, with effect from the 23rd March 1920, or any subsequent date on which he availed himself of it.



No. 376.—Major H. B. Steen, M.D., I.M.S., is appointed to officiate as Professor of Surgery, Medical College, Calcutta, and Surgeon to the College Hospitals, during the absence on leave of Lieutenant-Colonel R. P. Wilson, with effect from the date he assumed charge of his duties, until further orders.

## WAR.

*The 26th April 1920.*

No. 477.—In exercise of the powers conferred by section 8 of the Foreigners Ordinance, 1914 (III of 1914), read with the Emergency Legislation (Continuance) Act, 1915 (I of 1915), the Governor-General in Council is pleased to direct that the orders regulating and restricting the entry of foreigners into British India and their departure therefrom, issued with the notification of the Government of India in the Home Department, No. 909, dated the 22nd August 1914, as subsequently amended, shall be cancelled.

H. MCPHERSON.

*Secretary to the Govt. of India.*

The following notification issued by the Government of India, in the Finance Department, published in the *Gazette of India*, dated the 1st May 1920, is republished for general information.

H. L. STEPHENSON,

*Chief Secy. to the Govt. of Bengal.*

## NOTIFICATION.

## SEPARATE REVENUE.

## INCOME-TAX.

*Simla, the 28th April 1920.*

No. 1319F.—In exercise of the powers conferred by section 44 of the Indian Income-tax Act, 1918 (VII of 1918), the Governor-General in Council is pleased to exempt from liability to the tax payable under the said Act the following classes of income, namely :—

- (1) Any allowance or salary paid in the United Kingdom to officers on leave or duty in that country whether such allowance or salary is paid in sterling in the United Kingdom or by means of negotiable rupee drafts on a bank in India ;
- (2) leave allowance or salary drawn from any Colonial Treasury by an officer on leave or duty in the Colony ;
- (3) pensions of officers drawn from any Colonial Treasury or paid in the United Kingdom whether such pensions are paid in sterling or by means of negotiable rupee drafts on a bank in India.

J. E. C. JUKES,

*Joint Secretary to the Govt. of India.*

The following notifications issued by the Government of India, in the Department of Commerce, published in the *Gazette of India*, dated the 1st May 1920, are republished for general information.

H. L. STEPHENSON,

*Chief Secy. to the Govt. of Bengal.*

## NOTIFICATIONS.

## COMMERCIAL INTELLIGENCE.

*Simla, the 1st May 1920.*

No. 1608.—Mr. H. P. V. Townend, I.C.S., will continue to act as Director-General of Commercial Intelligence, until further orders.

## CUSTOMS—WAR.

*The 1st May 1920.*

No. 1466.—The following Board of Trade List, dated the 26th March 1920, on the subject of prohibitions of export from the United Kingdom, is published for general information :—

Imports and Exports Licensing Section,

Board of Trade,

Gt. George Street,

S. W. 1.

## LIST OF EXPORT PROHIBITED GOODS.

26TH MARCH 1920.

This list cancels all similar lists issued prior to the above date.

List A and B.

List C.

Opened General Licences for Exports.

Notes regarding Export to certain Countries.

Urgent Orders.

Transshipment in the United Kingdom.

This consolidated "List of Export Prohibited goods" is amended and issued fortnightly. Exporters who desire to have copies of each list posted to them during the current year can do so on payment of a registration fee of 2s. 6d. for one copy of each issue. Should more than one copy of each issue be required an additional payment should be made at the rate of 2d. per month to the end of the current year for each additional copy required.

Exporters who desire to have their names placed on the register should make application to the Stationery Clerk, Import and Export Licensing Section, enclosing Postal Orders payable to the Import and Export Licensing Section, Board of Trade.

Applications for licences and all correspondence should be addressed to :—

The Director,

Import and Export Licensing Section,

Board of Trade,

Gt. George Street,

S. W. 1.

## LIST A AND B.

List of goods the export of which is prohibited from the United Kingdom by Royal Proclamations or by order of Council.

A licence is required to export goods marked (A) to any destination abroad.

A licence is required to export goods marked (B) to any destination abroad, except British Possessions and Protectorates, to which goods marked (B)



can be exported without licence, providing the goods are not transhipped at foreign ports.

- (B) Aeroplane engines and their component parts.
- (B) Aircraft, other than balloons, of all kinds, and their component parts, together with accessories and articles suitable for use in connection with aircraft.
- Alumina, *see* Phosphate Rock.
- (A) Ammonia, sulphate of, and mixtures containing sulphate of ammonia.
- (A) \*Animals, living, for food (other than horses),
- Apatites, *see* Phosphate Rock.
- (A) Apparatus which can be used for the storage or projection of compressed or liquefied gases, flame, acids or other destructive agents capable of use in warlike operations and their component parts.
- (A) Armour plates, armour quality castings, or similar protective material.
- (A) Armoured motor-cars.
- (A) Arms, not being Firearms and their component parts.
- (A) Bacon and Ham, including Tinned Bacon and Ham.
- (A) Barley, barley flour and barley meal.
- (A) Basic slag.
- (A) Bayonets and their component parts.
- Bran, *see* Offals of Corn.
- (A) Bread.
- Brewer's grains, *see* Grains.
- Bullion, *see* Gold and Silver.
- (A) Butter.
- (A) Cakes and Meals (which may be used as forage or food for animals), the following:—
  - Husk meal;
  - Maize germ meal;
  - Maize meal and flour.
- (A) Calfskins.
- (A) Cannon and other ordnance, and their component parts.
- (A) Carriages and mountings for cannon and other ordnance and their component parts.
- (A) Cartridges, charges of all kinds, and their component parts, and tools, appurtenances and accessories for the filling and repair of rifle and shot-gun cartridges.
- Casting, *see* Armour Plates.
- Cattle foods, *see* Cakes and Meals.
- Cattle hides, *see* Hides.
- Caustic potash, *see* Potash.
- (A) Cheese.
- (A) Coal except coal allowed by the Commissioners of Customs and Excise to be shipped as bunker coal.
- (A) \*Coal tar, all products obtainable therefrom and derivatives thereof, whether actually so obtained or derived from other sources (including all mixtures and preparations containing such products or derivatives), suitable for use in the manufacture of dyes or explosives.
- (A) Cocaine and its salts and preparations.
- (A) Cocoa, raw.
- (A) Cod liver oil and preparations containing cod liver oil.
- Coin, *see* Gold, Silver.
- (A) Coke and manufactured fuel.
- Combings, *see* Malt.
- (A) Confectionery manufactured wholly or partly of sugar.
- Corn offals, *see* Offals.
- Cows, bulls, etc., *see* Animals.
- Culms, *see* Malt.
- (A) Dari.
- Distillers' grains, *see* Grains, etc.
- (B) Docks, floating, and their component parts.
- (A) †Dyes and dyestuffs, manufactured from Coal Tar products and articles containing such dyes and dyestuffs.
- (A) Eggs in shells.
- Engines, *see* Aeroplane.
- (A) Ergot of rye, and the liquid extract of ergot.
- (A) Explosives.
- (A) Firearms and their component parts.
- (A) Fish except the following:—
  - tinned, preserved or frozen fish, chinchards, crabs, oysters, sprats, herrings, crayfish, prawns, shrimps, scallops, lobsters, fresh salmon and salmon trout.
  - (A) Salmon, tinned.
- (A) Flax, raw.

\* Application for licence to export livestock should be made on Application Form "L" copies of which can be obtained from the Stationery Clerk, Export Licence Department.

† The following proprietary dyes may, however, be exported without licence to all destinations with which trading is permitted:—

Dolly dyes.  
Maypole dyes.

Drummer dyes.  
Fairy dyes.

Diamond dyes.  
Dainty dyes.

Dixon's home dyes.  
Dol's household dyes.

- Flour, *see* Barley, Maize, Rice, Rye, Wheat.  
 Foodstuffs, *see* specific headings.  
 Forage and food which may be used for animals, *see* specific headings as, *e g.*, Cakes, Hay, Oats, etc.
- (A) Forage, green.  
 Fuel, manufactured, *see* Coke.
- (A) Fruit, preserved, other than dried fruits preserved in sugar, except canned cherries.
- (A) Game.
- (A) Gold, coin and bullion.
- (A) Grains, Brewers' and Distillers'.
- (A) Green forage.
- (A) Grenades and component parts thereof.
- (A) Guanos, except whale guano.
- Guns, *see* Cannon, Firearms, Machineguns.
- (A) Hay.
- (A) Hides, British and Irish, cattle.
- Husk meal, *see* Cakes and Meals.
- (A) Implements and apparatus designed exclusively for the manufacture of munitions of war or for the manufacture or repair of arms or of war material for use on land or sea.
- (A) Indigo, synthetic.  
 Jam, *see* Fruit, reserved.
- (A) Lard; except imitation (compound) lard and neutral lard.
- (A) Lime phosphate, *see* Phosphate Rock.
- (A) Linseed.
- Livestock, *see* Animals.
- (A) Machine guns, mountings for machine guns, and component parts thereof.
- (A) Maize.
- (A) Maize germs.  
 Maize germ meal, *see* Cakes and Meals.  
 Maize meal and flour, *see* Cakes and Meals.
- (A) Malt dust, culms, sprouts or combings.
- (A) Manures, compound, containing either sulphate of ammonia, superphosphate of lime, or potash.
- Marmalade, *see* Fruit preserved.
- Meals, *see* Barley; Cakes; Rye; Wheat.
- (A) Meat, fresh and frozen, of all kinds, except offals, turtle meat and horseflesh.  
 Middlings, *see* Offals of Corn.
- (A) Milk, condensed or preserved (other than milk powder).  
 Mill dust and screenings, *see* Offals of Corn.
- (B) Mines and their component parts.
- (A) Nicotine and its compounds.
- † Notes of the Bank of France.
- (A) Oats.  
 Offals of corn and grain which may be used as food for animals, the following:—  
 (A) Bran.  
 (A) Middlings.  
 (A) Mill dust and screenings.  
 (A) Pollard.  
 (A) Rice meal (or bran) and dust.  
 (A) Sharps.  
 Oil, cod liver, *see* Cod Liver Oil.
- (A) Onions.
- (A) Opium and its preparations.
- (A) Opium alkaloids and their salts and preparations.
- Ordnance, *see* Cannon; Carriages.
- (A) Phosphate rock, namely:—Apatites; Phosphates of lime and alumina.  
 Pistols, *see* Firearms.  
 Pollard, *see* Offals of Corn.
- (A) Potash, caustic, and articles containing caustic potash.
- (A) Potash, muriate, sulphate, and crude manurial potash salts, and mixtures containing any of these substances.
- (A) Potassium carbonate and mixtures containing potassium carbonate.
- (B) Potassium permanganate.
- (A) Potatoes.
- (A) Poultry.  
 Preserves, *see* Fruit, etc.
- (A) Projectiles of all kinds and their component parts.
- (A) Quinine sulphate.  
 Rice meal (or bran) and dust, *see* Offals of Corn.
- (A) Rice and rice flour.  
 Rifles, *see* Firearms.
- (A) Rye, rye flour and meal.  
 Salmon, tinned, *see* Fish.
- (A) Sausages, pork, except tinned pork sausages.  
 Screenings, *see* Offals of Corn.  
 Seeds, *see* Cereals mentioned by name.
- (A) Semolina.  
 Sharps, *see* Offals of Corn.  
 Sheep, *see* Animals.
- (A) Silver bullion, specie and British coin.  
 Skins, *see* Calfskins; Hides.  
 Spirits, *see* Whisky.
- (A) Sugar, cane and beet; *see also* Confectionery.
- (A) Superphosphates.
- (A) Tea other than green tea.
- (B) Torpedoes and their component parts.

† Notes of the Bank of France are prohibited to all destinations except to destinations in France.



(B) Torpedo tubes.

Vegetables, *see* Onions: Potatoes.

Venison, *see* Game.

(A) Vessels of 15 tons gross and over.

(A) Wheat, wheat flour and wheat meal, and all articles, mixtures and preparations containing wheat, wheat flour, or wheat meal.

(A) Whisky.

(A) Yeast.

#### LIST C.

LIST C comprises ALL GOODS not included in List A or B. Goods on List C may be exported without licence to all destinations with which trading is allowed.

#### GENERAL LICENCES FOR EXPORTS.

An Open General Licence has been issued, permitting the exportation of the following goods (without application to the Import and Export Licensing Section of the Board of Trade) to all destinations with which trading is allowed.

Bird seed.

Blanc-mange powder.

Cake mixture.

Cocoa and milk, coffee and milk, chocolate and milk, sweetened or unsweetened, in tins.

Custard powder.

Disinfectant powders containing not more than 10 per cent. coal tar derivatives.

Gloy.

Horseflesh.

Koffio.

Lactol.

Lactogol.

Mango chutney, tomato chutney, and tomato-ketchup.

Marmite.

Mincemeat and mince pies.

Mixtures and preparations containing not more than 10 per cent. aniline colour, not otherwise prohibited.

Ointments containing not more than 10 per cent. coal tar derivatives.

Paisley flour.

"Phosto" animal food.

Pudding powder.

Puddings.

Restorine.

Soaps containing not more than 10 per cent. coal tar derivatives.

Tooth-powders containing not more than 10 per cent. coal tar derivatives.

Vanilla custard.

#### SAMPLES.

An Open General Licence has been issued which permits the free export of all *bond-fide* samples of prohibited goods to all destinations with which trade is now permitted. Samples exported under this licence may be used only for genuine sample purposes, *i.e.*, for obtaining orders from foreign buyers, and may not be sold except with the written consent of the Import and Export Licensing Section; but such consent may be dispensed with when it is desired to sell the articles in the country of destination after they have fulfilled their purpose as samples. Exporters will be required to satisfy the Customs Authorities that the goods presented for export under this licence are *bond-fide* samples, and to make a declaration to that effect on the relative shipping documents.

This notice only applies to samples of goods which require licences for export to the particular destination concerned.

In addition, the consent of the Import and Export Licensing Section is not required for the sale of samples which though within this scheme at the actual time they were exported, could be exported outside the scheme at the actual time of the proposed sale.

#### OPEN GENERAL LICENCE FOR COAL EXPORTS.

An Open General Licence has been issued, with effect from Thursday, 1st January 1920, permitting the export of coal, coke and manufactured fuel to all destinations abroad except Russia (other than Esthonia, Lettland and Lithuania), Germany, Hungary, Austria, Turkey and Bulgaria, subject always to the approval, previously obtained, of the Controller of Coal Mines or his duly authorised representative, and subject to shipment being made in a vessel approved by the Commissioners of Customs and Excise or their Officers.

The Customs Authorities will require pre-entry to be made in all cases; and at ports where there is a duly authorised local representative of the Controller of Coal Mines (*see* list below), the approval referred to above will be signified by his endorsement on the pre-entry form, which must be presented to him for the purpose before shipment.

Where shipment is proposed to be made from a port not included in the list given below, it will be necessary for application for the Controller's approval to be made to the Export Branch of the Coal Mines Department in London. Shipments from all ports in the United Kingdom to the destinations excluded from the purview of the general licence must still be covered by an export licence from the Coal Mines Department.

The following are the ports shipments from which will be covered by the local representative's endorsement on pre-entry :—

District.	Controllers' Representative.
All Scottish ports	... Mr. W. D. Fuller, 4, Dunlop Street, Glasgow.
From Amble to Middlesborough inclusive.	Mr. W. R. Fisher, Guildhall Chambers Quayside, Newcastle-on-Tyne.
Humber ports (Hull to Grimsby inclusive).	Mr. A. D. Upton, 120, Alfred Gelder Street, Hull.
Mersey ports	... Mr. J. Melrandi, Dock Board Offices, Liverpool.
From Burry Port to Newport inclusive.	Mr. L. R. Lewis, Cymrie Buildings, Cardiff.

#### OPEN GENERAL LICENCE FOR THE EXPORT OF INDUSTRIAL EXPLOSIVES, SMOOTH-BORE GUNS, AND MUNITIONS FOR USE THEREWITH.

An Open General Licence has been issued for the export of industrial explosives, smooth-bore guns, and munitions for use therewith, to the destinations given below, to which, therefore, exports may be made subject to the usual Customs formalities without applications for specific licences to the Import and Export Licensing Section.

British Possessions and Protectorates (*see* note below).

French Possessions and Protectorates (*see* note below).

United States of America.

South America.

Japan and Korea.

Asiatic Russia.

France, Belgium, Spain, Portugal, Greece, Italy, Jugo-Slavia, Roumania, Norway, Sweden, Denmark, Holland, Switzerland and Iceland.

In accordance with Article 6, Chapter 2 of the "Convention for the Control of the Trade in Arms and Ammunition," all consignments of Arms and Ammunition proceeding into or through any of the Prohibited Areas set out below will require a Specific Export Licence.

The prohibited Areas are :—

(1) The whole of the continent of Africa, with the exception of Algeria, Libya, and the Union of South Africa. (Within this area are included all islands situated within a hundred nautical miles of the coast, together with Prince's Island, St. Thomas Island and the Islands of Annobon and Socotra.)

(2) Transcaucasia, Persia, Gwadar, the Arabian Peninsula and such continental parts of Asia as were included in the Turkish Empire on August 4, 1914.

(3) A maritime zone including the Red Sea, the Gulf of Aden, the Persian Gulf and the Sea of Oman and bounded by a line drawn from Cape Guardafui, following the latitude of that cape to its intersection with longitude 57° east of Greenwich, and proceeding thence direct to the eastern frontier of Persia on the Gulf of Oman.

#### OPEN GENERAL LICENCE FOR THE EXPORT OF AIRCRAFT, &C.

An Open General Licence has been issued for the export of the under-mentioned goods to all destinations except Russia, Germany, Hungary, Austria, Turkey and Bulgaria. Applications are no longer to be made to the Import and Export Licensing Section of the Board of Trade in respect of the export



of these goods to countries other than those mentioned :—" Aeroplane engines and their component parts. Aircraft, other than balloons of all kinds, and their component parts, together with accessories and articles suitable for use in connection with aircraft."

#### OPEN GENERAL LICENCE FOR THE EXPORT OF PARCELS CONTAINING MISCELLANEOUS FOODSTUFFS.

An Open General Licence has been issued for the export by parcel post of parcels containing one or more varieties of foodstuffs (for the personal use of the addressee and not for trading purposes) to all destinations with which trading is allowed, provided that any such parcel may not contain more than two pounds of sugar or more than one pound of butter. Applications need, therefore, no longer be submitted to the Import and Export Licensing Section in respect of the export of such parcels by parcel post.

#### NOTES REGARDING EXPORT TO CERTAIN COUNTRIES.

Exporters are warned that there are import prohibitions in some foreign countries, information regarding which can be obtained from the Department of Overseas Trade, 35, Old Queen Street, Westminster, S. W. 1, and 73, Basinghall Street, E. C. 2. The issue of an export licence implies no guarantee that the goods will be admitted into the country of destination.

There is no parcel post to Esthonia, Jugo-Slavia (except Dalmatia), Lettland (Latvia), Lithuania, Poland.

Germany.—Gift parcels sent by parcel post may enter Germany without import licence and also free from duty and taxes, provided they do not contain more than 2 kilos (70 ozs.) of tobacco.

Russia (European).—Conditions under which trading with European Russia will be permissible are at present under consideration.

Syria.—A Parcel Post Service is in operation north of Acre to Alexandretta and west of Aleppo, including—

Beyrout, Damascus, Hamah, Homs, Latakia, Rayak and Tripoli.

Turkey.—Parcels for civilians in Turkey and Smyrna will only be accepted if they are fully addressed "c-o Post Restante, British Army post-office, Constantinople" (and-or Smyrna), and parcels must be called for at the British post offices.

#### URGENT ORDERS.

The Import and Export Licensing Section, Board of Trade, announces that, in collaboration with the Department of Overseas Trade, an arrangement has been made whereby firms receiving orders which require immediate acceptance may telegraph details of any such order to the Department of Overseas Trade in order to ascertain whether a licence will be granted for the export of the goods if the order is accepted.

In the event applicant being promised a licence he will be enabled to deal with the order straightaway with the knowledge that upon application being made in the proper form to the Import and Export Licensing Section (Board of Trade) the licence will be granted.

The telegrams should be addressed to "Orders, c-o Advantage, Stock, London." They should give in each case, in addition to the name and postal or telegraphic address of the applicant, the quantity and description of the goods comprised in the order and the name and address of the ultimate consignee if the goods are destined for a neutral country. In the case of orders from allied or British territory or from territory in the occupation of troops of the Associated Governments, the consignee need not be stated; and it will be sufficient merely to give the country of destination. A reply of 24 words (1-3) must be prepaid.

Applicants are requested in their own interest to confine their enquiries to orders needing a very urgent decision, since the fewer the enquiries the more promptly can answers be given.

Any subsequent correspondence that is necessary in connection with the telegraphic enquiries should be addressed to the Comptroller General, Department of Overseas Trade (Export Facilities Section), 25, Old Queen Street, Westminster, S. W. 1.

## TRANSHIPMENT IN THE UNITED KINGDOM.

The provisional approval of the Import and Export Section, Board of Trade, should be obtained before the following goods are brought to this country for transhipment:—

Bacon, ham and lard of all kinds.

It is not now necessary to make application to the Collector of Customs at the transhipment ports on Form S. 90 for the transhipment of any goods except those specified in the following list:—

Foodstuffs for animal or human consumption which are on section "A" or "B" of the list of prohibited exports (including tea and cocoa).

Seeds, oil and fats on section "A" of the list of prohibited exports.

Synthetic dyestuffs.

Ergot.

Quinine sulphate.

Caustic potash.

Potassium carbonate.

Wool-tops and mixtures thereof.

Woollen and worsted yarn and mixtures thereof.

## EMIGRATION.

*The 1st May 1920.*

No. 1610.—In pursuance of section 116-A, sub-section (4) of the Assam Labour and Emigration Act, 1901, as amended by the Assam Labour and Emigration (Amendment) Act, 1915, the Governor General in Council is pleased to approve, with effect from the 28th January 1920, of the election of the Hon'ble Mr. R. St. J. Hickman to be a member of the Assam Labour Board as a representative of the Surma Valley Branch of the Indian Tea Association, *vice* Mr. W. K. Allies, resigned.

C. A. INNES,

*Secretary to the Govt of India.*

The following notification, issued by the Government of India in the Home Department, published in the *Gazette of India, Extraordinary*, dated the 3rd May 1920, is republished for general information.

H. L. STEPHENSON,

*Chief Secy. to the Govt. of Bengal.*

## NOTIFICATION.

## ESTABLISHMENTS.

*Simla, the 3rd May 1920.*

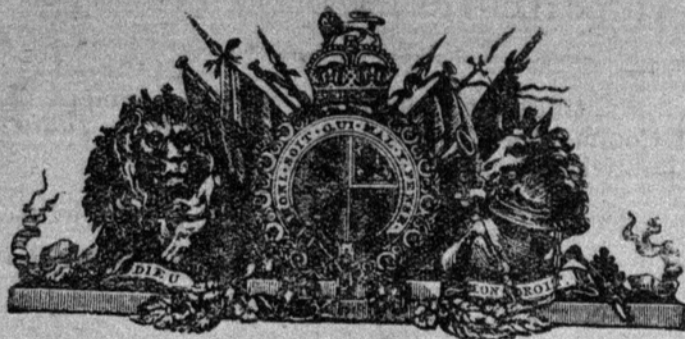
No. 900.—A temporary vacancy having occurred in the office of an Ordinary Member of the Council of the Governor General of India by the departure on leave of the Honourable Sir George Rivers Lowndes, K.C.S.I., K.C., the Governor General in Council has been pleased to appoint, under the provisions of section 92 (3) of the Government of India Act, 1915 (5 and 6 Geo. 5, Ch. 61), the Honourable Mr. Alexander Phillips Muddiman, C.S.I., C.I.E., to be a temporary Member of the Council of the Governor General of India.

The Honourable Mr. Muddiman has, on this day, taken upon himself the execution of his office under the usual salute.

H. McPHERSON,

*Secretary to the Govt. of India.*





# The Calcutta Gazette

WEDNESDAY, MAY 19, 1920.

## PART IA.

### *Orders and Notifloations by the Government of India.*

The following notifications, issued by the Government of India, in the Home Department, published in the *Gazette of India*, dated the 8th May 1920, are republished for general information.

H. L. STEPHENSON,

*Chief Secy. to the Govt. of Bengal.*

### NOTIFICATIONS.

#### POLICE.

*Simla, the 26th April 1920.*

No. 743.—In exercise of the power conferred by section 27 of the Indian Arms Act, 1878 (XI of 1878), the Governor General in Council is pleased to direct that the following amendment shall be made in the Indian Arms Rules, 1920, namely :—

For entry (12) in the first column of Sch. I to the said rules the following shall be substituted, namely—

- “(12) Such of the second and third class Sardars of the Deccan, of the Second class Sardars of Gujarat and of the Mehwasi Chieftains in the Bombay Presidency as were exempted under the Indian Arms Rules, 1909, and Meherbhan Fattesing Gumansing, the Chieftain of Chikali.”

*The 6th May 1920.*

No. 810.—In exercise of the power conferred by sub-rule (3) of rule 41 of the Indian Arms Rules, 1920, the Governor General in Council is pleased to direct that no fee shall be charged in respect of the grant or renewal of a licence in Form VI set out in Schedule VII to those Rules for the export to a State in India of ammunition required for the use of a public railway or other public work.

H. MCPHERSON,

*Secretary to the Govt. of India.*

The following notification, issued by the Government of India in the Department of Commerce, published in the *Gazette of India*, dated the 8th May 1920, is republished for general information.

H. L. STEPHENSON,  
*Chief Secy. to the Govt. of Bengal.*

NOTIFICATION.

CUSTOMS—WAR.

*Simla, the 8th May 1920.*

No. 1830.—The following Board of Trade List, dated the 9th April 1920, on the subject of prohibitions of export from the United Kingdom is published for general information:—

IMPORTS AND EXPORTS LICENSING SECTION,

BOARD OF TRADE,

GT. GEORGE STREET,  
S. W. 1.

LIST OF EXPORT PROHIBITED GOODS.

9th April 1920.

This list cancels all similar lists issued prior to the above date.

List A and B.

List C.

Open General Licences for Exports.

Notes regarding Export to certain Countries.

Urgent orders.

Transshipment in the United Kingdom.

This consolidated "List of Export Prohibited Goods" is amended and issued fortnightly. Exporters who desire to have copies of each list posted to them during the current year can do so on payment of a registration fee of 2s. 6d. for one copy of each issue. Should more than one copy of each issue be required an additional payment should be made at the rate of 2d. per month to the end of the current year for each additional copy required.

Exporters who desire to have their names placed on the register should make application to the Stationery Clerk, Import and Export Licensing Section, enclosing Postal Orders payable to the Import and Export Licensing Section, Board of Trade.

Applications for licences and all correspondence should be addressed to:—

The Director, Import and Export Licensing Section,

Board of Trade,

Gt. George Street,

S. W. 1.

LIST A AND B.

List of goods the export of which is prohibited from the United Kingdom by Royal Proclamations or by Order of Council.

A licence is required to export goods marked (A) to any destination abroad.  
A licence is required to export goods marked (B) to any destination abroad, except British Possessions and Protectorates, to which goods marked (B) can be exported without licence providing the goods are not transhipped at foreign ports.



- (B) Aeroplane engines and their component parts.
- (B) Aircraft, other than balloons, of all kinds, and their component parts, together with accessories and articles suitable for use in connection with aircraft.
- Alumina, *see* Phosphate Rock.
- (A) Ammonia, sulphate of, and mixtures containing sulphate of ammonia.
- (A) \*Animals, living, for food (other than horses).
- Apatites, *see* Phosphate Rock.
- (A) Apparatus which can be used for the storage or projection of compressed or liquefied gases, flame, acids or other destructive agents capable of use in warlike operations and their component parts.
- (A) Armour plates, armour quality castings, and similar protective material.
- (A) Armoured motor-cars.
- (A) Arms, not being Firearms and their component parts.
- (A) Bacon and Ham, including Tinned Bacon and Ham.
- (A) Barley, barley flour and barley meal.
- (A) Basic slag.
- (A) Bayonets and their component parts.
- Bran, *see* Offals of Corn.
- (A) Bread.
- Brewers' grains, *see* Grains.
- Bullion, *see* Gold and Silver.
- (A) Butter.
- (A) Cakes and Meals (which may be used as forage or food for animals), the following:—
- Husk meal,
- Maize germ meal.
- Maize meal and flour.
- (A) Calfskins.
- (A) Cannon and other ordnance, and their component parts.
- (A) Carriages and mountings for cannon and other ordnance and their component parts.
- (A) Cartridges, charges of all kinds, and their component parts, and tools, appurtenances and accessories for the filling and repair of rifle and shot-gun cartridges.
- Castings, *see* Armour Plates.
- Cattle foods, *see* Cakes and Meals.
- Cattle hides, *see* hides.
- Caustic potash, *see* Potash.
- (A) Cheese.
- (A) Coal, except coal allowed by the Commissioners of Customs and Excise to be shipped as bunker coal.
- (A) †Coal tar, all products obtainable therefrom and derivatives thereof, whether actually so obtained or derived from other sources (including all mixtures and preparations containing such products or derivatives), suitable for use in the manufacture of dyes or explosives.
- (A) Cocaine and its salts and preparations.
- (A) Cocoa, raw.
- (A) Cod liver oil and preparations containing cod liver oil.
- Coin, *see* Gold, Silver.
- (A) Coke and manufactured fuel.
- Combings, *see* Malt.
- (A) Confectionery manufactured wholly or partly of sugar.
- Corn offals, *see* Offals.
- Cows, bulls, etc., *see* Animals.
- Culms, *see* Malt.
- (A) Dari.
- Distillers' grains, *see* Grains, etc.
- (B) Docks, floating, and their component parts.
- (A) †Dyes and dyestuffs, manufactured from Coal Tar products and articles containing such dyes and dyestuffs.
- (A) Eggs in shells.
- Engines, *see* Aeroplane.
- (A) Ergot of rye, and the liquid extract of ergot.
- (A) Explosives, except the following:—Blasting Gelatine, Gelignite, Gelatine Dynamite, Viking Powder, Detonators, Electric Detonators, Monobel, Safety Fuses.
- (A) Firearms and their component parts.
- (A) Fish except the following:—tinned, preserved or frozen fish, chinchards, crabs, oysters, sprats, herrings, crayfish, prawns, shrimps, scallops, lobsters, fresh salmon and salmon trout.
- (A) Salmon, tinned.

\* Application for licence to export live stock should be made on Application Form "L" copies of which can be obtained from the Stationery Clerk, Export Licence Department.

† The following proprietary dyes may, however, be exported without licence to all destinations with which trading is permitted:—

Dolly dyes.	Drummer dyes.	Diamond dyes.	Dixon's home dyes.
Fairy dyes.	Dainty dyes.	Dols household dyes.	Maypole dyes.

- (A) Flax, raw.  
 Flour, *see* Barley, Maize, Rice, Rye, Wheat.  
 Foodstuffs, *see* specific headings.  
 Forage and food which may be used for animals, *see* specific headings as *e.g.*, Cakes, Hay, Oats, etc.
- (A) Forage, green.  
 Fuel, manufactured, *see* Coke.
- (A) Fruit, preserved, the following:—  
 (i) Fruit, canned or bottled in water, the following:—  
     Pears.  
     Pineapples.  
     Peaches.  
 (ii) Fruit, canned or bottled in syrup, except Cherries.  
 (iii) Fruit Pulp.  
 (iv) Jam and Marmalade.
- (A) Game.  
 (A) Gold, coin and bullion.  
 (A) Grains, Brewers' and Distillers'.  
 (A) Green forage.  
 (A) Grenades and component parts thereof.  
 (A) Guanos, except whale guano.  
 Guns, *see* Cannon, Firearms, Machine guns.  
 (A) Hay.  
 (A) Hides, British and Irish, cattle.  
 Husk meal, *see* Cakes and Meals.  
 (A) Implements and apparatus designed exclusively for the manufacture of munitions of war or for the manufacture or repair of arms or of war material for use on land or sea.  
 (A) Indigo, synthetic.  
 Jam, *see* Fruit, preserved.  
 (A) Lard; except imitation (compound) lard and neutral lard.  
 (A) Lime phosphate, *see* Phosphate Rock.  
 (A) Linseed.  
 Livestock, *see* Animals.  
 (A) Machine guns, mountings for machine guns, and component parts thereof.  
 (A) Maize.  
 (A) Maize germs.  
     Maize germ meal, *see* Cakes and Meals.  
     Maize meal and flour, *see* Cakes and Meals.  
 (A) Malt dust, culms, sprouts or combings.  
 (A) Manures, compound, containing either sulphate of ammonia, superphosphate of lime, or potash.
- Marmalade, *see* Fruit preserved.  
 Meals, *see* Barley, Cakes, Rye Wheat.  
 (A) Meat, fresh and frozen, of all kinds, except offals, turtle meat and horseflesh.  
 Middlings, *see* Offals of Corn.  
 (A) Milk, condensed or preserved (other than milk powder)  
 Mill dust and screenings, *see* Offals of Corn.  
 (B) Mines and their component parts.  
 (A) Nicotine and its compounds.  
 \*Notes of the Bank of France.  
 (A) Oats.  
 Offals of corn and grain which may be used as food for animals, the following:—  
 (A) Bran.  
 (A) Middlings.  
 (A) Mill dust and screenings.  
 (A) Pollard.  
 (A) Rice meal (or bran) and dust.  
 (A) Sharps.  
 Oil, cod liver, *see* Cod Liver Oil.  
 (A) Onions.  
 (A) Opium and its preparations.  
 (A) Opium alkaloids and their salts and preparations.  
 Ordnance, *see* Cannon; Carriages.  
 (A) Phosphate rock namely:—Apatites; Phosphates of lime and alumina.  
 Pistols, *see* Firearms.  
 Pollard, *see* Offals of Corn.  
 (A) Potash, Caustics, and articles containing caustic potash.  
 (A) Potash, muriate, sulphate, and crude manurial potash salts, and mixtures containing any of these substances.  
 (A) Potassium carbonate and mixtures containing potassium carbonate.  
 (B) Potassium permanganate.  
 (A) Potatoes.  
 (A) Poultry.  
 Preserves, *see* Fruit, &c.  
 (A) Projectiles of all kinds and their component parts.  
 (A) Quinine sulphate.  
 Rice meal (or bran) and dust, *see* Offals of Corn.  
 (A) Rice and rice flour.  
 Rifles, *see* Firearms.  
 (A) Rye, rye flour and meal.  
 Salmon, tinned, *see* Fish.  
 (A) Sausages, pork, except tinned pork sausages.  
 Screenings, *see* Offals of Corn.  
 Seeds, *see* Cereals mentioned by name.

\* Notes of the Bank of France are prohibited to all destinations except to destinations in France.



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| <p>(A) Semolina.<br/>Sharps, <i>see</i> Offals of Corn.<br/>Sheep, <i>see</i> Animals.<br/>(A) Silver bullion, specie and British coin.<br/>Skins, <i>see</i> Calfskins; Hides.<br/>Spirits, <i>see</i> Whisky.<br/>(A) Sugar, cane and beet, <i>see also</i> Confectionery.<br/>(A) Superphosphates.<br/>(A) Tea other than green tea.<br/>(B) Torpedoes and their component parts.</p> | <p>(B) Torpedo tubes.<br/>Vegetables, <i>see</i> Onions; Potatoes.<br/>Venison, <i>see</i> Game.<br/>(A) Vessels of 15 tons gross and over.<br/>(A) Wheat, wheat flour and wheat meal, and all articles, mixtures and preparations containing wheat, wheat flour, or wheat meal.<br/>(A) Whisky.<br/>(A) Yeast.</p> |
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## LIST C.

List C comprises all goods not included in List A or B.  
Goods on List C may be exported without licence to all destinations with which trading is allowed.

## GENERAL LICENCES FOR EXPORTS.

An Open General Licence has been issued, permitting the exportation of the following goods (without application to the import and export licensing section of the Board of Trade) to all destinations with which trading is allowed.

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|---|---|
| <p>Bird seed.<br/>Blance-mange powder.<br/>Cake mixture.<br/>Cocoa and milk, coffee and milk, chocolate and milk, sweetened or unsweetened, in tins.<br/>Custard powder.<br/>Disinfectant powders containing not more than 10 per cent. coal tar derivatives.<br/>Gloy.<br/>Horseflesh.<br/>Koffio.<br/>Lactol.<br/>Lactogol.<br/>Mango chutney, tomato chutney, and tomato ketchup.<br/>Marmite.</p> | <p>Mincemeat and mince pies.<br/>Mixtures and preparations containing not more than 10 per cent. aniline colour, not otherwise prohibited.<br/>Ointments containing not more than 10 per cent. coal tar derivatives.<br/>Paisley flour.<br/>"Phosto" animal food.<br/>Pudding powder.<br/>Puddings.<br/>Restorine.<br/>Soaps containing not more than 10 per cent. coal tar derivatives.<br/>Tooth-powders containing not more than 10 per cent. coal tar derivatives.<br/>Vanilla custard.</p> |
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## SAMPLES.

An Open General Licence has been issued which permits the free export of all *bond fide* samples of prohibited goods to all destinations with which trade is now permitted. Samples exported under this licence may be used only for genuine sample purposes, i.e., for obtaining orders from foreign buyers, and may not be sold except with the written consent of the Import and Export Licensing Section; but such consent may be dispensed with when it is desired to sell the articles in the country of destination after they have fulfilled their purpose as samples. Exporters will be required to satisfy the Customs Authorities that the goods presented for export under this licence are *bond fide* samples, and to make a declaration to that effect on the relative shipping documents.

This notice only applies to samples of goods which require licences for export to the particular destination concerned.

In addition, the consent of the Import and Export Licensing Section is not required for the sale of samples which, though within this scheme at the actual time they were exported, could be exported outside the scheme at the actual time of the proposed sale.

## OPEN GENERAL LICENCE FOR COAL EXPORTS.

An Open General Licence has been issued, with effect from Thursday, 1st January 1920, permitting the export of coal, coke and manufactured fuel to all destinations abroad except Russia (other than Esthonia, Lettland and Lithuania), Germany, Hungary, Austria, Turkey and Bulgaria, subject always to the approval, previously obtained, of the Controller of Coal Mines or his duly authorised representative, and subject to shipment being made in a vessel approved by the Commissioners of Customs and Excise or their Officers.

The Customs Authorities will require pre-entry to be made in all cases; and at ports where there is a duly authorised local representative of the Controller of Coal Mines (*see* list below), the approval referred to above will be signified by his endorsement on the pre-entry form, which must be presented to him for the purpose before shipment.

Where shipment is proposed to be made from a port not included in the list given below, it will be necessary for application for the Controller's approval to be made to the Export Branch of the Coal Mines Department in London. Shipments from all ports in the United Kingdom to the destinations excluded from the purview of the general licence must still be covered by an export licence from the Coal Mines Department.

The following are the ports shipments from which will be covered by the local representative's endorsement on pre-entry :—

District.	Controller's Representative.
All Scottish ports ...	Mr. W. D. Fuller, 4, Dunlop Street, Glasgow.
From Amble to Middlesborough inclusive.	Mr. W. R. Fisher, Guildhall Chambers, Quayside, New-castle-on-Tyne.
Humber ports (Hull to Grimsby inclusive).	Mr. A. D. Uptpn, 120, Alfred Gelder Street, Hull.
Mersey ports and all ports in Lancashire and Cumberland.	Mr. J. Melrandi, Dock Board Offices, Liverpool.
From Burry Port to Newport inclusive.	Mr. L. R. Lewis, Cymrie Buildings, Cardiff.

## OPEN GENERAL LICENCE FOR THE EXPORT OF SMOOTH-BORE GUNS AND MUNITIONS FOR USE THEREWITH.

An Open General Licence has been issued for the export of smooth-bore guns and munitions for use therewith, to the destinations given below, to which, therefore, exports may be made subject to the usual Customs formalities without applications for specific licences to the Import and Export and Licensing Section.

British Possessions and Protectorates (*see* note below).

French Possessions and Protectorates (*see* note below).

United States of America.

South America.

Japan and Korea.

Asiatic Russia.

France, Belgium, Spain, Portugal, Greece, Italy, Jugo-Slavia, Roumania, Norway, Sweden, Denmark, Holland, Switzerland and Iceland.

In accordance with Article 6, Chapter 2, of the "Convention for the Control of the Trade in Arms and Ammunition," all consignments of Arms and Ammunition proceeding into or through any of the Prohibited Areas set out below will require a Specific Export Licence.

The Prohibited Areas are :—

(1) The whole of the Continent of Africa, with the exception of Algeria, Libya, and the Union of South Africa. (Within this area are included all islands situated within a hundred nautical miles of the coast, together with Prince's Island, St. Thomas Island and the Islands of Annobon and Socotra).

(2) Transcaucasia, Persia, Gwadar, the Arabian Peninsula and such continental parts of Asia as were included in the Turkish Empire on August 4, 1914.



(3) A maritime zone including the Red Sea, the Gulf of Aden, the Persian Gulf and the Sea of Oman and bounded by a line drawn from Cape Guardafui, following the latitude of that cape to its intersection with longitude  $57^{\circ}$  east of Greenwich, and proceeding thence direct to the eastern frontier of Persia on the Gulf of Oman.

#### OPEN GENERAL LICENCE FOR THE EXPORT OF AIRCRAFT, &C.

An Open General Licence has been issued for the export of the under-mentioned goods to all destinations except Russia, Germany, Hungary, Austria, Turkey and Bulgaria. Applications are no longer to be made to the Import and Export Licensing Section of the Board of Trade in respect of the export of these goods to countries other than those mentioned:—  
“Aeroplane engines and their component parts. Aircraft, other than balloons of all kinds, and their component parts, together with accessories and articles suitable for use in connection with aircraft.”

#### OPEN GENERAL LICENCE FOR THE EXPORT OF PARCELS CONTAINING MISCELLANEOUS FOODSTUFFS.

An Open General Licence has been issued for the export by parcel post of parcels containing one or more varieties of foodstuffs (for the personal use of the addressee and *not* for trading purposes) to all destinations with which trading is allowed, provided that any such parcel may not contain more than two pounds of sugar or more than one pound of butter. Applications need, therefore, no longer be submitted to the Import and Export Licensing Section in respect of the export of such parcels by parcel post.

#### NOTES REGARDING EXPORT TO CERTAIN COUNTRIES.

Exporters are warned that there are import prohibitions in some foreign countries, information regarding which can be obtained from the Department of Overseas Trade, 35, Old Queen Street, Westminster, S. W. 1, and 73, Basinghall Street, E. C. 2. The issue of an export licence implies no guarantee that the goods will be admitted into the country of destination.

There is no parcel post to Esthonia, Jugo-Slavia (except Dalmatia), Lettland (Latvia), Lithuania, Poland.

Germany.—Gift parcels sent by parcel post may enter Germany without import licence and also free from duty and taxes, provided they do not contain more than 2 kilos (70 ozs.) of tobacco.

Russia (European).—Conditions under which trading with European Russia will be permissible are at present under consideration.

Syria.—A Parcel Post Service is in operation north of Acre to Alexandretta and west of Aleppo, including

Beyrout, Damascus, Hamah, Homs, Latakia, Rayak and Tripoli.

Turkey.—Parcels for civilians in Turkey and Smyrna will only be accepted if they are fully addressed “c-o Poste Restante, British Army Post Office, Constantinople” (and/or Smyrna), and parcels must be *called* for at the British Post Office.

#### URGENT ORDERS.

The Import and Export Licensing Section, Board of Trade, announces that, in collaboration with the Department of Overseas Trade, an arrangement has been made whereby firms receiving orders which require immediate acceptance may telegraph details of any such order to the Department of Overseas Trade in order to ascertain whether a licence will be granted for the export of the goods if the order is accepted.

In the event of an applicant being promised a licence he will be enabled to deal with the order straightaway with the knowledge that upon application being made in the proper form to the Import and Export Licensing Section (Board of Trade) the licence will be granted.

The telegrams should be addressed to “Orders, c-o Advantage, Stock, London.” They should give in each case in addition to the name and postal or telegraphic address of the applicant the quantity and description of the goods comprised in the order and the name and address of the ultimate consignee if the goods are destined for a neutral country. In the case of orders from Allied or British Territory or from territory in the occupation of troops of the Associated Governments, the consignee need not be stated; and it will be sufficient merely to give the country of destination. A reply of 24 words (1/3) must be prepaid.

Applicants are requested in their own interest to confine their enquiries to orders needing a very urgent decision, since the fewer the enquiries the more promptly can answers be given.

Any subsequent correspondence that is necessary in connection with the telegraphic enquiries should be addressed to the Comptroller General, Department of Overseas Trade (Export Facilities Section), 35, Old Queen Street, Westminster, S. W. 1.

#### TRANSHIPMENT IN THE UNITED KINGDOM.

The provisional approval of the Import and Export Sections, Board of Trade, should be obtained before the following goods are brought to this country for transhipment:—

Bacon, ham and lard of all kinds.

It is not now necessary to make application to the Collector of Customs at the transhipment ports on Form S. 90 for the transhipment of any goods except those specified in the following list:—

Foodstuffs for animal or human consumption which are on Section "A" or "B" of the list of prohibited exports (including tea and cocoa).

Seeds, oils and fats on Section "A" of the list of prohibited exports.

Synthetic dyestuffs.

Ergot.

Quinine sulphate.

Caustic potash.

Potassium carbonate.

#### POST OFFICE.

*The 8th May 1920.*

No. 1658.—In exercise of the powers conferred by section 46 (2) (b) of the Indian Post Office Act, 1898 (VI of 1898), the Governor-General in Council is pleased to direct that the following amendment shall, with effect from the 10th May 1920, be made in the rules published with the notification of the Government of India in the Department of Commerce and Industry, No. 2883-45, dated the 26th April 1913, as subsequently amended, namely:—

For sub-rule (2) of rule 122 of the said rules under the head *Foreign Money Orders*, the following shall be substituted, namely:—

"(2) In the case of foreign sterling money orders, the rate of commission shall be the following, namely:—

For every sum of 5 shillings or fraction thereof.....Annas 3."

No. 1903.—In exercise of the powers conferred by section 36 of the Indian Post Office Act, 1898 (VI of 1898), the Governor-General in Council is pleased to direct that the following amendments shall be made in the rules published with the notification of the Government of India in the Department of Commerce and Industry, No. 2883-45, dated the 26th April 1913, as subsequently amended, namely:—

1. For rule 70 of the said rules and the Exceptions below it, the following shall be substituted, namely:—

"70. Value-payable postal articles as enumerated below may also be transmitted to the undermentioned countries, provided that the amount specified for remittance to the sender in respect of any such postal article shall not exceed Rs. 250 in the case of the United Kingdom and Rs. 600 in other cases, and shall not contain a fraction of an anna, and provided that such parcels, letters and packets do not contain coupons, tickets, certificates or introductions designed for the sale of goods on what is known as the 'snowball system':—

*United Kingdom.*—Registered parcels.

*Ceylon.*—Registered parcels, registered letters, registered book-packets, newspapers prepaid at newspaper rates of postage and fully prepaid unregistered book-packets.

*Portuguese India, the Seychelles, the Somaliland Protectorate and the Straits Settlements.*—Registered parcels, registered letters and registered book-packets.

*Note.*—Bills of lading may not be enclosed in value-payable postal articles intended for the Straits Settlements."



2. In the Explanation to rule 71 of the said rules after the words "bills of lading" the words and brackets "(except to the Straits Settlements)" shall be inserted.

3. Rule 72 of the said rules shall be renumbered rule 72 (1) and in it the following amendments shall be made, namely :—

(i) in the second sentence, for the words "if the article is an unregistered parcel" the words "If the article is a parcel intended for delivery in the United Kingdom or if it is an unregistered parcel" shall be substituted ;

(ii) in clause (a) after the letters "V. P." the words "or, in the case of value-payable parcels for the United Kingdom," the word "Remboursement" shall be inserted ; and

(iii) the following shall be inserted as sub-rule (2) :—

"(2) In the case of a postal parcel intended for transmission to the United Kingdom as value-payable a posting fee of 2 annas shall also be prepaid by the sender by affixing postage stamps of the value of the fee to the article itself."

4. For rule 74 of the said rules, the following shall be substituted, namely :—

"74. The amount to be recovered from the addressee shall be the sum specified by the sender for remittance to himself *plus*, in the case of registered parcels (other than those received from the United Kingdom), registered letters, and registered book-packets, a fee calculated as in sub-rule (1) of rule 72. A delivery fee of 2 annas on every parcel transmitted from the United Kingdom as value-payable shall also be levied from the addressee. When the amount due is recovered from the addressee, the sum for payment to the sender shall be remitted to him by means of a money order. If the addressee of a value-payable article refuses or omits to take delivery of it, the article shall be returned to the sender, who will be required to pay any charges that may be due on it, and to acknowledge receipt of the article by signing the form presented by the postman. In no circumstances will the fee or fees prepaid in stamps be refunded."

*Note.*—The conversion into Indian currency of the amount specified for remittance to the sender of a value-payable parcel posted in the United Kingdom shall be effected at the rate of exchange for the issue of foreign sterling money orders in force on the date of receipt of the parcel in the Indian Post Office of exchange concerned."

5. To rule 75 of the said rules, the following *exception* shall be added, namely :—

"*Exception.*—This rule does not apply to value-payable parcels exchanged with the United Kingdom."

6. In the opening sentence of rule 78 of the said rules, *after* the word "by" the words "the inland" shall be inserted.

C. A. INNES,

*Secretary to the Govt. of India.*

The following resolution, issued by the Government of India in the Finance Department, published in the *Gazette of India*, dated the 8th May 1920, is republished for general information.

H. L. STEPHENSON,

*Chief Secy. to the Govt. of Bengal.*

No. 679-C.S.R.

*Simla, the 7th May 1920.*

RESOLUTION—By the Government of India, Finance Department.

THE Government of India have had under consideration the question of improving the *maxima* and *minima* limits of leave allowances of officers whose leave is regulated by the Civil Service Regulations, and with the

approval of the Secretary of State they are now pleased to prescribe the following *maxima* and *minima* for leave allowances of officers subject to the European and the Indian Service Leave rules :—

			Amount in sterling per month.	Amount in rupees per month.
(1) <i>Officers of the Indian Civil Service and Military Officers subject to Civil Leave Rules.</i>				
(i) During furlough on average salary—				
(a) Maximum	...	...	£222	Rs. 2,222 $\frac{2}{3}$
(b) Minimum	...	...	Nil	Nil
(ii) During ordinary furlough and special leave—				
(a) Maximum	...	...	£111	Rs. 1,111 $\frac{1}{3}$
(b) Minimum	...	...	£55 $\frac{1}{2}$	„ 555 $\frac{5}{6}$
			or the salary last drawn on duty, whichever is less.	or the salary last drawn on duty, whichever is less.
(iii) During furlough other than ordinary—				
<i>Subsistence Allowance.</i>				
(a) For an officer of not more than 8 years' actual residence in India.	...	...	...	Rs. 333 $\frac{1}{3}$
(b) For an officer of more than 8 but less than 12 years' actual residence in India.	...	...	...	„ 426 $\frac{2}{3}$
(c) For an officer of 12 or more years' actual residence in India.	...	...	...	„ 533 $\frac{1}{3}$
(2) <i>Other officers subject to the European Service Leave Rules.</i>				
(i) During furlough on average salary—				
(a) Maximum	...	...	£200	Rs. 2,000
(b) Minimum	...	...	Nil.	Nil.
(ii) During ordinary furlough and special leave—				
(a) Maximum	...	...	£100	Rs. 1,000
(b) Minimum when furlough or special leave is granted on grounds of ill-health.			£33 or $\frac{1}{3}$ ths of salary last drawn on duty, whichever is less.	Rs. 333 $\frac{1}{3}$ or $\frac{1}{3}$ ths of salary last drawn on duty, whichever is less.
(iii) During furlough other than ordinary—				
(a) Maximum	...	...	£60 or $\frac{1}{3}$ th of average salary, whichever is less.	Rs. 600 or one quarter of average salary whichever is less.
(b) Minimum	...	...	£16 $\frac{1}{2}$ or 37 $\frac{1}{2}$ per cent. of salary last drawn on duty, whichever is less.	Rs. 166 $\frac{1}{2}$ or 37 $\frac{1}{2}$ per cent. of salary last drawn on duty, whichever is less.



			Amount in sterling per month.	Amount in rupees per month.
(3) <i>Officers under the Indian Service Leave Rules—</i>				
(i) During furlough or leave on private affairs and leave on medical certificate when the period does not exceed specified limits—				
(a) Maximum	...	...	£75	Rs. 750
(b) Minimum	...	...		
When leave is granted on grounds of ill-health.			£25 or $\frac{1}{10}$ ths of the salary last drawn on duty, whichever is less.	Rs. 250 or $\frac{1}{10}$ ths of the salary last drawn on duty whichever is less.
For non-gazetted officers whose salary is not less than Rs. 300 a month, even when leave is granted on other grounds.			...	Rs. 168 $\frac{1}{2}$ .
(ii) During leave on medical certificate in excess of specified limits—				
(a) Maximum	...	...	£60 or one quarter of average salary which ever is less.	Rs. 600 or one quarter of average salary whichever is less.
(b) Minimum	...	...	£12 $\frac{1}{2}$ or 37 $\frac{1}{2}$ per cent. of salary last drawn on duty, whichever is less.	Rs. 125 or 37 $\frac{1}{2}$ per cent. of salary last drawn whichever is less.
For non-gazetted officers whose salary is not less than Rs. 300.			...	Rs. 84 $\frac{3}{4}$ .

2. The new maxima and minima will apply to leave allowances earned from the 1st January 1920. The rupee maximum for officers of the classes referred to in (1) and (2) of paragraph 1 above, who were on furlough on average salary before that date, will be a sum which, converted into sterling at the rate at which sterling money orders are issued in India, will produce £200 a month when each month's allowance is drawn.

3. Where both sterling and rupee maxima or minima are prescribed, the rupee rate will be drawn by those officers only who actually spend their leave in India or in any other country in Asia, and the sterling rate in all other cases. Officers on leave on the date of this Resolution in any country out of Asia, who have been drawing their leave allowances in India, will, however, be allowed the benefit of the existing rupee rates until the end of the leave already granted to them.

NOTE.—[A certificate of residence should be furnished by officers who draw their leave allowances at the rupee rate, the procedure indicated in Article 864, Civil Service Regulations, being followed.]

4. Leave allowances of officers granted leave out of India will in future be stated in Last Pay Certificates in rupees only, fractions being omitted and the next higher rupee taken where the fraction exceeds  $\frac{1}{2}$ .

ORDERED that the Resolution be communicated to the several Departments of the Government of India (including the Financial Adviser, Military Finance and the Board of Munitions and Industries), all Provincial Governments and Minor Local Governments, the Comptroller and Auditor General, the Heads of Departments subordinate to the Finance Department, all Accountants General, the Comptroller, Assam, the Chief Auditors of State Railways and Government Examiners of Railway Accounts, the Examiner of Accounts, Military Works Services, the Examiner, Government Press Accounts, the Controller of War Accounts, the Audit Officer, Delhi Province, and the Examiner of Customs Accounts.

Ordered also that the Resolution be published in the *Gazette of India*.

J. E. C. JUKES,

*Joint Secretary to the Govt. of India.*

The following notification, issued by the Government of India in the Legislative Department, published in the *Gazette of India*, dated the 8th May 1920, is republished for general information.

H. L. STEPHENSON,  
*Chief Secy. to the Govt. of Bengal.*

#### NOTIFICATION.

*Simla, the 6th May 1920.*

No. 51.—Mr. H. P. Duval, I.C.S., Officiating Joint Secretary in the Legislative Department, is appointed to officiate as Secretary to the Government of India in the Legislative Department, with effect from the 3rd May 1920, and until further orders, *vice* the Hon'ble Mr. A. P. Muddiman, C.S.I., C.I.E., I.C.S.

W. T. M. WRIGHT,  
*Offg. Joint Secretary to the Govt. of India.*

The following notifications, issued by the Government of India, in the Foreign and Political Department, published in the *Gazette of India*, dated the 8th May 1920, are republished for general information.

H. L. STEPHENSON,  
*Chief Secy. to the Govt. of Bengal.*

#### NOTIFICATIONS.

*Simla, the 3rd May 1920.*

No. 1239-I.B.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor General in Council is pleased to direct that the following amendment shall be made in the notification of the Government of India in the Foreign Department, No. 3510-I.B., dated the 3rd November 1913, as subsequently amended, applying certain enactments\* to Berar, namely :—

In the First Schedule—

- (a) entry No. 116 shall be deleted, and
- (b) after entry No. 120, the following shall be inserted, namely—

121—The Super-tax Act, 1920 (XIX of 1920).	In section 2, sub-section (1), after the words "Indian Income-tax Act, 1918," the words "as applied to Berar" shall be added.
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*The 6th May 1920.*

No. 1287-I.B.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor General in Council is pleased to direct that the following amendment shall be made in the notification of the Government of India in the Foreign Department, No. 3510-I.B., dated the 3rd November 1913, as subsequently amended, applying certain enactments to Berar, namely :—

In the First Schedule—

- (a) entry No. 87 shall be deleted, and
- (b) after entry No. 121, the following shall be inserted, namely—

122. The Poisons Act, 1919 (XII of 1919). | .....

J. B. WOOD,  
*Secretary to the Govt. of India.*



The following notification, issued by the Government of India in the Reforms Office, published in the *Gazette of India*, dated the 8th May 1920, is republished for general information.

H. L. STEPHENSON,

*Chief Secy. to the Govt. of Bengal.*

### NOTIFICATION.

*Simla, the 5th May 1920.*

No. 482-F.—The following rules relating to the provincial legislative councils, which have been framed under section 72-A-(2) (a) and section 72-A-(4) (a) (b) (c) (d) and (f) of the Government of India Act and submitted for the sanction of the Secretary of State in Council, are published for general information :—

Composition of Legislative Council.

I. The Legislative Council of the Governor of Bengal shall consist of—

- (1) the members of the Executive Council *ex officio* ;
- (2) one hundred and fifteen elected members ;
- (3) such number of members nominated by the Governor as, with the addition of the members of the Executive Council, shall amount to twenty-four ; of the members so nominated—
  - (a) not more than sixteen may be officials, and
  - (b) two shall be persons nominated to represent, respectively, the following classes or interests, namely :—
    - (i) the Indian Christian community, and
    - (ii) classes which, in the opinion of the Governor, are depressed classes.

### *Elected members.*

II. The elected members shall be elected by the constituencies specified in Schedule I to these rules, and the number of members to be elected by each constituency shall be as stated therein against that constituency.

General disqualifications for being elected.

III. (1) A person shall not be eligible for election as a member of the Council if such person—

- (a) is not a British subject ; or
- (b) is a female ; or
- (c) is already a Member of the Council or of any other legislative body constituted under the Act ; or
- (d) having been a legal practitioner has been dismissed or is under suspension from practising as such by order of any competent court ; or
- (e) has been adjudged by a competent court to be of unsound mind ; or
- (f) is under 25 years of age ; or
- (g) is an undischarged insolvent ; or
- (h) being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part :

Provided that the local Government may direct that, subject to such conditions as it may prescribe, a Ruler of any State in India or the Rulers of any such States or a subject of any such State or any class of such subjects shall not be ineligible for election by reason only of not being a British subject or British subjects :

Provided further that the disqualification mentioned in clause (d) may be removed by an order of the local Government in this behalf.

(2) A person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for a period of more than six months is subsisting shall, unless the offence of which he was convicted has been pardoned, not be eligible for election for five years from the date of the expiration of the sentence.

Special qualifications for election in case of certain constituencies.

IV. A person shall not be eligible for election as a Member of the Council to represent—

- (a) a non-Muhammadan, Muhammadan, European or Anglo-Indian constituency (which constituencies are hereinafter in these rules referred to as general constituencies) unless his name is registered on the electoral roll of the constituency or of another general constituency of the same communal description; or
- (b) a 'Landholders,' University, Commerce and Industry, or Labour constituency (which constituencies are hereinafter in these rules referred to as special constituencies) unless his name is entered on the electoral roll of the constituency.

*The right to elect.*

V. Every person shall be entitled to have his name registered on the electoral roll of a constituency who has the qualifications prescribed for an elector of that constituency and who is not subject to any of the disqualifications hereinafter set out, namely:—

General conditions of registration and disqualifications.

- (a) is not a British subject; or
- (b) is a female; or
- (c) has been adjudged by a competent court to be of unsound mind; or
- (d) is under 21 years of age:

Provided that the local Government may direct that, subject to such conditions as it may prescribe, a Ruler of any State in India or the Rulers of any such States or a subject of any such State or any class of such subjects shall not be disqualified for registration by reason only of not being a British subject or British subjects:

Provided further that, if a resolution is passed by the Council recommending that the sex disqualification for registration should be removed either in respect of women generally or any class of women, the local Government shall make regulations providing that women or a class of women, as the case may be, shall not be disqualified for registration by reason only of their sex:

Provided further that no person shall be entitled to have his name registered on the electoral roll or more than one general constituency.

VI. (1) The qualifications of an elector for a general constituency shall be such qualifications based on—

Qualifications of electors.

- (i) community,
- (ii) residence, and
- (iii) (a) occupation of a building, or
- (b) payment of municipal or cantonment taxes or fees, or
- (c) payment of cesses under the Cess Act, 1880, or
- (d) payment of chaukidari tax or union rate under the Village-Chaukidari Act, 1870, or the Bengal Village Self-Government Act, 1919, or
- (e) payment of income-tax, or
- (f) receipt of a military pension, or
- (g) the holding of land,

as are specified in Schedule II to these rules in the case of that constituency.

(2) The qualifications of an elector for a special constituency shall be the qualifications specified in Schedule II to these rules in the case of that constituency.

VII. (1) An electoral roll shall be prepared for every constituency, on which shall be entered the names of all persons appearing to be entitled to be registered as electors for that constituency. It shall be published in the constituency together with a notice specifying the mode in which and the time within

Electoral roll.



which any person whose name is not entered in the roll and who claims to have it inserted therein, or any person whose name is on the roll and who objects to the inclusion of his own name or of the name of any other person on the roll, may prefer a claim or objection to the revising authority.

(2) Subject to the provisions of these rules, the local Government shall make regulations providing for—

- (1) the authority by whom the electoral roll shall be prepared and the particulars to be contained in the roll;
- (2) the time at which the roll shall be prepared;
- (3) the publication of the roll in such manner and in such language as to give it wide publicity in the constituency to which it relates;
- (4) the mode in which and the time within which claims and objections may be preferred;
- (5) the constitution and appointment of Revising Authorities to dispose of claims and objections;
- (6) the manner in which notices of claims or objections shall be published;
- (7) the place, date, and time at which and the manner in which claims or objections shall be heard;

and may make such regulations to provide for other matters incidental or ancillary to the preparation and revision of the roll as it may consider desirable. Such regulations may be made as to rolls generally or any class of rolls or any particular roll.

(3) The orders made by the Revising Authority shall be final, and the electoral roll shall be amended in accordance therewith and shall, as so amended, be republished in such manner as the local Government may prescribe.

(4) The electoral roll shall come into force from the date of such republication, and shall continue in force for a period of three years or for such less period as the local Government may by regulation prescribe, and after the expiration of such period a fresh roll shall be prepared in accordance with these rules.

(5) If a constituency is called upon to elect a member or members after an electoral roll has ceased to have force and before the completion of the new electoral roll, the old electoral roll shall for the purposes of that election continue to operate as the electoral roll for the constituency.

VIII. Every person registered on the electoral roll for the time being in force for any constituency shall while so registered be entitled to vote at an election of a member or members for that constituency: provided that no person shall vote in more than one general constituency.

IX. (1) Any person may be nominated as a candidate for election in any constituency for which he is eligible for election under these rules.

(2) On or before the date on which a candidate is nominated the candidate shall make in writing and sign a declaration appointing either himself or some other person to be his agent for the election, and no candidate shall be deemed to be duly nominated unless such declaration has been made.

(3) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be renominated as a candidate for the same election.

X. (1) If the number of candidates who are duly nominated and who have not withdrawn their candidature before such time as the local Government may fix in this behalf exceeds that of the vacancies, a poll shall be taken.

(2) If the number of such candidates is equal to the number of vacancies all such candidates shall be declared to be duly elected.

(3) If the number of such candidates is less than the number of vacancies, all such candidates shall be declared to be elected, and the Governor shall, by a notification in the *Calcutta Gazette*, call for fresh nominations for the remaining vacancies, and if any such are received shall call upon the constituencies concerned to elect members to fill these vacancies.

(4) Votes shall be given by ballot and in general and Landholders' constituencies in person. No votes shall be received by proxy.

(5) In plural-member constituencies every elector shall have as many votes as there are members to be elected: provided that no elector shall give more than one vote to any one candidate.

(6) Votes shall be counted by the Returning Officer, and any candidate, or, in the absence of the candidate, a representative duly authorised by him in writing, shall have a right to be present at the time of counting.

(7) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates, as the case may be, to whom the largest number of votes has been given to be elected.

(8) Where an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected, the determination of the person or persons to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

(9) The Returning Officer shall without delay report the result of the election to the Secretary to the Council, and the name or names of the candidate or candidates elected shall be published in the *Calcutta Gazette*.

<sup>Government to make regulations regarding the conduct of elections.</sup>

XI. (1) Subject to the provisions of these rules, the local Government shall make regulations provided for—

- (1) the form and manner in, and the conditions on, which nominations may be made, and for the scrutiny of nominations;
- (2) the appointment of a Returning Officer for each constituency and for his powers and duties;
- (3) in the case of general and Landholders' constituencies, the division of the constituencies into polling areas in such manner as to give all electors such reasonable facilities for voting as are practicable in the circumstances, and the appointment of polling stations for these areas;
- (4) the appointment of officers to preside at polling stations, and the duties of such officers;
- (5) the checking of voters by reference to the electoral roll;
- (6) the manner in which votes are to be given, and for special provision in this respect in the case of illiterate voters, or voters under physical or other disability;
- (7) the procedure to be followed in respect of tender of votes by persons representing themselves to be electors after other persons have voted as such electors;
- (8) the scrutiny of votes;
- (9) the safe custody of ballot papers and other election papers, the period for which such papers shall be preserved, and for the inspection and production of such papers;

and may make such other regulations regarding the conduct of elections as it thinks fit.

(2) In the exercise of the foregoing power regulations may be made as to elections generally or any class of elections or in regard to constituencies generally or any class of constituency or any particular constituency.



XII. (1) If any person is elected by a constituency of the Council and by a constituency of either chamber of the Indian legislature, the election of such person to the Council shall be void and the Governor shall call upon the constituency concerned to elect another person.

Multiple election.

(2) If any person is elected either by more than one constituency of the Council or by a constituency of the Council and a constituency of the Legislative Council of another Governor's province, he shall, by notice in writing signed by him and delivered to the Secretary to the Council or the Secretaries to both Councils, as the case may be, within seven days from the date of the publication of the result of such election in the local official Gazette, choose for which of these constituencies he shall serve, and the choice shall be conclusive.

(3) When any such choice has been made, the Governor shall call upon the constituency or constituencies for which such person has not chosen to serve to elect another person or persons.

(4) If the candidate does not make the choice referred to in sub-rule (2) of this rule, the election of such person shall be void and the Governor shall call upon the constituency or constituencies concerned to elect another person or persons.

*Nominated Members.*

General disqualifications for nomination.

XIII. (1) No person shall be nominated to the Council who—

- (a) is not a British subject ; or
- (b) is a female ; or
- (c) is already a member of the Council or of any other legislative body constituted under the Act ; or
- (d) having been a legal practitioner has been dismissed or is under suspension from practising as such by order of any competent court ; or
- (e) has been adjudged by a competent court to be of unsound mind ; or
- (f) is under 5 years of age ; or
- (g) is an undischarged insolvent ; or
- (h) being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part :

Provided that the local Government may direct that, subject to such conditions as it may prescribe, a Ruler of any State in India or the Rulers of any such States or a subject of any such State or any class of such subjects shall not be disqualified for nomination by reason only of not being a British subject or British subjects :

Provided further that the disqualification mentioned in clause (d) may be removed by an order of the local Government in this behalf.

(2) A person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for a period of more than six months is subsisting shall, unless the offence of which he was convicted has been pardoned, not be eligible for nomination for five years from the date of the expiration of the sentence.

XIV. (1) A nominated non-official member shall hold office for the duration of the Council to which he is nominated.

Terms of office of nominated member.

(2) Official members shall hold office for the duration of the Council to which they are nominated or for such shorter period as the Governor may, at the time of nomination, determine.

*Obligation to take oath.*

XV. Every person who is elected or nominated to be a member of the Council shall before taking his seat make, at a meeting of the Council, an oath or affirmation of his allegiance to the Crown in the following form, namely :—

I, A. B. having been <sup>elected</sup><sub>nominated</sub> a member of this Council do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Majesty the King, Emperor of India, His heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter.

*Vacation of Seat.*

XVI. (1) If any person having been elected or nominated subsequently becomes subject to any of the disabilities stated in clauses (a), (d), (e), (g) and (h) of sub-rule (1) or in sub-rule (2) of rule III or of rule XIII, as the case may be, or fails to make the oath or affirmation prescribed by rule XV within such time as the Governor considers reasonable, the Governor shall, by notification in the *Calcutta Gazette*, declare his seat to be vacant.

(2) When any such declaration is made, the Governor shall, by notification as aforesaid, call upon the constituency concerned to elect another person within such time as may be prescribed by the notification, or shall nominate another person, as the case may be.

XVII. (1) When a vacancy occurs in the case of an elected member by reason of his election being declared void, or by reason of absence from India, inability to attend to duty, death, acceptance of office or resignation duly accepted, the Governor shall, by notification in the *Calcutta Gazette*, call upon the constituency concerned to elect a person for the purpose of filling the vacancy within such time as may be prescribed by such notification.

(2) If a vacancy occurs in the case of a nominated member, the Governor shall nominate to the vacancy a person having the necessary qualification under these rules.

*First Constitution of the Council.*

XVIII. (1) As soon as conveniently may be after these rules come into force, a Council shall be constituted in accordance with their provisions.

(2) For this purpose the Governor shall, by notification in the *Calcutta Gazette*, call upon the constituencies referred to in rule II to elect members in accordance with these rules within such time as may be prescribed by such notification, and shall make such nominations as may be necessary to complete the Council before the date fixed for its first meeting.

(3) If any difficulty arises as to the preparation or publication of the first electoral roll or the holding of the first elections after the commencement of these rules, the local Government may by order do any matter or thing which appears to it necessary for the proper preparation or publication of the roll or for the proper holding of the elections.

*General Elections.*

XIX. (1) On the expiration of the duration of a Council or on its dissolution, a general election shall be held in order that a new Council may be constituted.

(2) On such expiration or dissolution, the Governor shall, by notification in the *Calcutta Gazette*, call upon the constituencies referred to in rule II to elect members in accordance with these rules within such time after the date of expiration or dissolution as may be prescribed by such notification :

Provided that, if the Governor thinks fit, such notification may be issued at any time not being more than three months prior to the date on which the duration of the Council would expire in the ordinary course of events.

(3) Before the date fixed for the first meeting of the Council, the Governor shall make such nominations as may be necessary to complete the Council.

XX. As soon as may be after the expiration of the time fixed for the election of members at any election, the names of the members elected for the various constituencies at such election shall be notified in the *Calcutta Gazette*.



## SCHEDULE I.

## LIST OF CONSTITUENCIES.

Name of constituency.	Class of constituency.	Extent of constituency	No. of members.
Calcutta (Non-Muhammadan) ...	Non-Muhammadan Urban.	Calcutta as defined in section 3 (7) of the Calcutta Municipal Act, 1899.	6
Hooghly Municipal (Non-Muhammadan).	Ditto ...	The municipalities of Hooghly, Chinsura, Bansberia, Serampore, Rishra, Konnagar, Uttarpara, Baidyabati, Bhadreswar, Champdani, Kotrung and Arambagh.	1
Howrah Municipal (Non-Muhammadan).	Ditto ...	The municipalities of Howrah and Bally	1
Barrackpore Municipal (Non-Muhammadan).	Ditto ...	The municipalities and cantonments of the Barrackpore subdivision of the 24-Parganas district and the Cossipore and Chitpore municipality.	1
24-Parganas Municipal (Non-Muhammadan).	Ditto ...	The municipalities of the Sadar, Baraset and Basirhat subdivisions of the 24-Parganas district excluding the municipality of Cossipore and Chitpore.	1
Dacca city (Non-Muhammadan) ...	Ditto ...	The municipality of Dacca...	1
Burdwan (Non-Muhammadan) ...	Non-Muhammadan Rural.	The Burdwan district ...	2
Birbhum (Non-Muhammadan) ...	Ditto ...	The Birbhum district ...	1
Bankura (Non-Muhammadan) ...	Ditto ...	The Bankura district ...	2
Midnapore, A. (Non-Muhammadan)	Ditto ...	The Ghatal and Sadar subdivisions of the Midnapore district.	1
Midnapore, B. (Non-Muhammadan)	Ditto ...	The Contai and Tamluk subdivisions of the Midnapore district.	2
Hooghly cum Howrah Rural (Non-Muhammadan).	Ditto ...	The Hooghly and Howrah districts excluding the municipalities of Hooghly, Chinsura, Bansberia, Serampore, Rishra, Konnagar, Uttarpara, Baidyabati, Bhadreswar, Champdani, Kotrung, Arambagh, Howrah and Bally.	1
24-Parganas Rural A (Non-Muhammadan).	Ditto ...	The Sadar subdivision of the 24-Parganas district (excluding municipal and cantonment areas).	1
24-Parganas Rural B. (Non-Muhammadan).	Ditto ...	The Diamond Harbour subdivision of the 24-Parganas district.	1
24-Parganas Rural C. (Non-Muhammadan).	Ditto ...	The Baraset, Basirhat and Barrackpore subdivisions of the 24-Parganas district (excluding municipal and cantonment areas)	1
Nadia (Non-Muhammadan) ...	Ditto ...	The Nadia district ...	1
Murshidabad (Non-Muhammadan)	Ditto ...	The Murshidabad district ...	1
Jessore (Non-Muhammadan) ...	Ditto ...	The Jessore district ...	2
Khulna (Non-Muhammadan) ...	Ditto ...	The Khulna district ...	1
Dacca Rural (Non-Muhammadan)	Ditto ...	The Dacca district (excluding the municipality of Dacca).	1
Mymensingh A. (Non-Muhammadan).	Ditto ...	The Jamalpur and Tangail subdivisions of the Mymensingh district.	1

Name of constituency.	Class of constituency.	Extent of constituency.	No. of members.
Mymensingh B. (Non-Muhammadan).	Non-Muhammadan Rural.	The Sadar, Kishorganj and Netrakona subdivisions of the Mymensingh district.	1
Faridpur (Non-Muhammadan)	Ditto	The Faridpur district	2
Bakarganj A. "	Ditto	The northern Sadar, Southern Sadar, and Bhola subdivisions of the Bakarganj district.	1
Bakarganj B. "	Ditto	The Patuakhali and Pirojpur subdivisions of the Bakarganj district.	1
Chittagong "	Ditto	The Chittagong district	1
Tippera "	Ditto	The Tippera district	1
Noakhali "	Ditto	The Noakhali district	1
Rajshahi (Non-Muhammadan) ...	Ditto	The Rajshahi district	1
Dinajpur (Non-Muhammadan) ...	Ditto	The Dinajpur district	1
Rangpur (Non-Muhammadan) ...	Ditto	The Rangpur district	1
Bogra cum Pabna (Non-Muhammadan).	Ditto	The Bogra and Pabna districts	1
Malda (Non-Muhammadan) ...	Ditto	The Malda district	1
Jalpaiguri (Non-Muhammadan) ...	Ditto	The Jalpaiguri district	1
Calcutta (Muhammadan) ...	Muhammadan Urban	Calcutta as defined in section 3 (7) of the Calcutta Municipal Act, 1899.	2
Hooghly cum Howrah Municipal (Muhammadan).	Ditto	The municipalities of Hooghly, Chinsura, Bansberia, Serampore, Rishra, Konnagar, Uttarpara, Baidyabati, Bhadreswar, Champdani, Kotrung, Arambagh, Howrah and Bally.	1
Barrackpore Municipal (Muhammadan),	Ditto	The municipalities and cantonments of the Barrackpore subdivision of the 24-Parganas district and the Cossipore and Chitpur municipality.	1
24-Parganas Municipal (Muhammadan).	Ditto	The municipalities of the Sadar, Baraset and Basirhat subdivisions of the 24-Parganas district excluding the municipality of Cossipore and Chitpur.	1
Dacca City (Muhammadan) ...	Ditto	The municipality of Dacca	1
Burdwan Division, North (Muhammadan).	Muhammadan Rural	The districts of Burdwan, Birbhum and Bankura.	1
Burdwan Division, South (Muhammadan).	Ditto	The districts of Midnapore, Hooghly and Howrah excluding the municipalities of Hooghly, Chinsura, Bansberia, Serampore, Rishra, Konnagar, Uttarpara, Baidyabati, Bhadreswar, Champdani, Kotrung, Arambagh, Howrah and Bally.	1
24-Parganas Rural (Muhammadan)	Ditto	The 24-Parganas district (excluding municipal and cantonment areas).	1
Nadia (Muhammadan) ...	Ditto	Nadia district	1
Murshidabad (Muhammadan) ...	Ditto	Murshidabad district	1
Jessore (Muhammadan) ...	Ditto	Jessore district	2
Khulna (Muhammadan) ...	Ditto	Khulna district	1
Dacca Rural (Muhammadan) ...	Ditto	Dacca district, excluding the Dacca municipality.	1



Name of constituency.	Class of constituency.	Extent of constituency.	No. of members.
Mymensingh A. (Muhammadan) ...	Muhammadan Rural	The Jamalpur and Tangail subdivisions of the Mymensingh district.	2
Mymensingh B. (Muhammadan) ...	Ditto ...	The Sadar, Kishoreganj and Netrakona sub-divisions of the Mymensingh district.	2
Faridpur (Muhammadan) ...	Ditto ...	Faridpur district ...	2
Bakarganj A. (Muhammadan) ...	Ditto ...	The Northern Sadar and Bhola subdivisions of the Bakarganj district.	1
Bakarganj B. (Muhammadan) ...	Ditto ...	The Southern Sadar and Pirojpur subdivisions of the Bakarganj district.	1
Bakarganj C. (Muhammadan) ...	Ditto ...	The Patuakhali subdivision of the Bakarganj district.	1
Chittagong (Muhammadan) ...	Ditto ...	Chittagong district ...	2
Tippera (Muhammadan) ...	Ditto ...	Tippera district ...	2
Noakhali (Muhammadan) ...	Ditto ...	Noakhali district ...	2
Rajshahi (Muhammadan) ...	Ditto ...	Rajshahi district ...	2
Dinajpur (Muhammadan) ...	Ditto ...	Dinajpur district ...	1
Rangpur (Muhammadan) ...	Ditto ...	Rangpur district ...	2
Bogra (Muhammadan) ...	Ditto ...	Bogra district ...	1
Pabna (Muhammadan) ...	Ditto ...	Pabna district ...	1
Malda <i>cum</i> Jalpaiguri (Muhammadan).	Ditto ...	The districts of Malda and Jalpaiguri ...	1
Presidency and Burdwan (European).	European ...	The Presidency and Burdwan divisions...	4
Dacca and Chittagong (European)	Ditto ...	The divisions of Dacca and Chittagong	1
Rajshahi (European) ...	Ditto ...	The division of Rajshahi ...	1
Anglo-Indian ...	Anglo-Indian ...	The Presidency of Bengal ...	3
Burdwan Landholders ...	Landholders ...	The Burdwan division ...	1
Presidency Landholder ...	Ditto ...	The Presidency division ...	1
Dacca Landholder ...	Ditto ...	The Dacca division ...	1
Chittagong Landholders ...	Ditto ...	The Chittagong division ...	1
Rajshahi Landholders ...	Ditto ...	The Rajshahi division ...	1
Calcutta University ...	University ...	(Non-territorial) ...	1
Bengal Chamber of Commerce ...	Commerce and Industry.	Ditto ...	6
Indian Jute Mills Association ...	Ditto ...	Ditto ...	2
Indian Tea Association ...	Ditto ...	Ditto ...	1
Indian Mining Association ...	Ditto ...	Ditto ...	1
Calcutta Trades Association ...	Ditto ...	Ditto ...	2
Bengal National Chamber of Commerce.	Ditto ...	Ditto ...	1
Marwari Association...	Ditto ...	Ditto ...	1
Mahajan Sobha ...	Ditto ...	Ditto ...	1

Name of constituency.	Class of constituency.	Extent of constituency.	No. of members.
24-Parganas Wage-earners ...	Labour ...	The municipalities of Joynagar, Baruipur, Rajpur, Budge-Budge, Garden Reach, South Suburban, Tollygunge, Cossipore, and Chitpur, Maniktala, Baranagar, Kamarhati, Garulia, Barrackpore (including Barrackpore cantonment), South Barrackpore, North Barrackpore, Panihati, Tittagarh, North Dum-Dum (including Dum-Dum cantonment), South Dum-Dum, Naihati, Halisahar, Kandurapara, Bhatpara, Gobardanga, Barasat, Baduria, Basirhat and Taki.	1
Calcutta Wage-earners ...	Ditto ...	Calcutta as defined in section 3 (7) of the Calcutta Municipal Act and the municipalities of Hooghly, Chinsura, Bansberia, Serampore, Rishra, Konnagar, Uttarpara, Baidyabadi, Bhadreswar, Champdani, Kotrung and Arambagh.	1

## SCHEDULE II.

## QUALIFICATIONS OF ELECTORS.

## Definitions.

## 1. In this schedule—

- (a) “an Anglo-Indian” means any person being a British subject and resident in British India,
- (i) of European descent in the male line who is not a European, or
- (ii) of mixed Asiatic and non-Asiatic descent whose father, grandfather or more remote ancestor in the male line was born in the Continent of Europe, Canada, Newfoundland, Australia, New Zealand, the Union of South Africa or the United States of America, and who is not a European;
- (b) “a European” means any person of European descent in the male line being a British subject and resident in British India, who either was born in or has a domicile in the British Isles, Canada, Newfoundland, Australia, New Zealand or the Union of South Africa or whose father was so born or has or had up to the date of the birth of the person in question such a domicile;
- (c) “previous year” means the financial year preceding that in which the electoral roll for the time being under preparation is first published under these rules.

## General Constituencies.

## Qualifications based on community.

## 2. A person shall be qualified as an elector—

- (a) for a non-Muhammadan constituency who is neither a Muhammadan nor a European nor an Anglo-Indian; and
- (b) for a Muhammadan, European or Anglo-Indian constituency according as he is a Muhammadan, European or Anglo-Indian:

Provided that such person possesses the further qualifications hereinafter prescribed for an elector of the particular constituency.

3. Subject to the provisions of paragraph 2 of this Schedule, a person shall be qualified as an elector for an urban or rural constituency, other than Calcutta constituency, who has a place of residence in the constituency and who—

- (1) has paid, during and in respect of the previous year or, as the case may be, during and in respect of the Bengali year preceding that in which the electoral roll for the time being under preparation is first published under these rules,—

- (a) in the municipalities of Howrah or Cossipore-Chitpur, municipal taxes or fees of not less than Rs. 3 or in any other municipal or cantonment area, municipal or cantonment taxes or fees of not less than Re. 1-8, or,



- (b) road and public works cesses under the Cess Act, 1880, of not less than Re. 1, or
- (c) chaulkidari tax under the Village-Chaulkidari Act, 1870, or union rate under the Bengal Village Self-Government Act, 1919, of not less than Rs. 2, or,
- (d) income-tax; or,

(2) is a retired and pensioned officer (whether commissioned or non-commissioned) of His Majesty's regular forces.

4. Subject to the provisions of paragraph 2 of this Schedule, a person shall be qualified as an elector for a Calcutta constituency who has a place of residence in Calcutta as defined in section 3 (7) of the Calcutta Municipal Act, 1899, and who—

(1) during the previous year—

(i) was entered in the municipal assessment book as—

- (a) the owner and occupier of some land or building in Calcutta separately numbered and valued for assessment purposes at not less than Rs. 150 per annum, or
- (b) the owner or occupier of some land or building in Calcutta separately numbered and valued for assessment purposes at not less than Rs. 300 per annum;

provided that no person shall be qualified in virtue of any of the above qualifications unless the owner and occupier's share, or the owner's or occupier's share as the case may be of the consolidated rate on such land or building for the aforesaid year has been paid during that year; or,

(ii) has paid in respect of that year on his sole account and in his own name not less than Rs. 24 either in respect of the consolidated rate levied under Chapter XII, or in respect of the taxes levied under Chapter XIII, or in respect of the taxes levied under Chapter XIV, of the Calcutta Municipal Act, 1899; provided that if any payment has been made in respect of the consolidated rate, a person shall be qualified only if his name is entered in the municipal assessment book in respect of the payment; or,

(iii) has paid income-tax in respect of that year; or

(2) is a retired and pensioned officer (whether commissioned or non-commissioned) of His Majesty's regular forces.

5. A person shall be qualified as an elector for a European constituency who is a European and has a place of residence in the constituency and has any of the qualifications prescribed for an elector of any urban or rural constituency included in the area of such European constituency.

6. A person shall be qualified as an elector in the Anglo-Indian constituency who has a place of residence in Bengal and has any of the qualifications prescribed for an elector of any urban or rural constituency.

7. Where property is held or payments are made jointly by the members of a joint family, the family shall be adopted as the unit for deciding whether under this Schedule the requisite qualification exists; and if it does exist, the person qualified shall be the manager of the family.

8. A person shall not be qualified as an elector for a general constituency by virtue of any property held or payment made as a trustee, administrator, receiver or guardian or in any other fiduciary capacity.

*Special Constituencies.*

9. A person shall be qualified as an elector of a Landholders' constituency who has a place of residence in the constituency and who during the previous year—

Landholders' constituency.

- (a) in the case of the Burdwan Landholders' and Presidency Landholders' constituencies, held in his own right as a proprietor one or more estates or shares of estates and paid in respect thereof land revenue amounting to not less than Rs. 4,500, or road and public works cesses amounting to not less than Rs. 1,125, or,
- (b) in the case of the Dacca Landholders', the Rajshahi Landholders', and the Chittagong Landholders' constituencies, held in his own right as a proprietor one or more estates or shares of estates, or one or more permanent tenures or shares of such tenures held direct from such a proprietor, and paid in respect thereof land-revenue amounting to not less than Rs. 3,000 on road and public works cesses amounting to not less than Rs. 750.

10. In determining the qualification of a person as an elector for a Landholders' constituency—

Determination of qualification.

- (a) only such estates and shares of estates and only such permanent tenures and shares of permanent tenures as are not within the district of Darjeeling or the Chittagong Hill Tracts shall be taken into account;
- (b) only such estates and shares of estates as are held by him in his own right and not in a fiduciary capacity and are registered in his own name in the registers maintained under the Land Registration Act, 1876, shall be taken into account;
- (c) only such permanent tenures and shares of permanent tenures as are held by him (as owner) in his own right and not in a fiduciary capacity shall be taken into account;
- (d) only land revenue or road and public works cesses payable in respect of his own personal share shall be taken into account;
- (e) if a landholder pays land revenue or cesses in two or more constituencies and his payments in no one of these constituencies reach the amount prescribed for that constituency, and if his payment in all the constituencies, when aggregated, are not less than the amount prescribed for one of these constituencies in which he has a place of residence and pays land revenue or cesses, he shall be qualified as an elector for that constituency or, if there is more than one such constituency, for the constituency in which he makes the largest payment;
- (f) if the amount of land-revenue or road and public works cesses paid by a landholder in respect of any share of an estate, or permanent tenure is not definitely known, the District Officer of the district in which such estate or tenure is situated shall estimate the amount paid in respect of such share, and his decision shall be final.

*Explanation.*—A *mutwalli* or manager of a *wakf* estate shall be deemed to hold such estate in his own right, but a trustee or manager of an estate other than a *wakf* estate shall not be so deemed.

11. A person shall be qualified as an elector for the Calcutta University constituency who has a place of residence in Bengal and is a member of the Senate or an Honorary Fellow of the University, or a graduate of the University of not less than seven years' standing.

Calcutta University constituency.

12. Chamber members of the Bengal Chamber of Commerce and permanent members of the Indian Jute Mills Association and of the Indian Tea Association, and of the Indian Mining Association shall be qualified

Commerce and Industry constituencies.

respectively as electors for the constituency comprising the Chamber or Association of which they are such members: provided that no person shall be so qualified who has not a place of residence in India.



*Explanation.*—"Chamber member" and "permanent member" include any person entitled to exercise the rights and privileges of Chamber membership or permanent membership, as the case may be, on behalf of any firm, company or other corporation registered as such member.

(2) Members of the Calcutta Trades Association, life and ordinary members of the Bengal National Chamber of Commerce, life and ordinary members of the Bengal Mahajan Sabha, and life, ordinary and mufassal members of the Marwari Association, Calcutta, shall be qualified respectively as electors for the constituency comprising the Association, Chamber or Sabha of which they are such members : provided that no person shall be so qualified who has not a place of residence in India.

*Explanation.*—"Member," "life member," "ordinary member" and "mufassal member" include—

- (a) in the case of a firm, any one partner in the firm, or, if no such partner is present in Calcutta at the date fixed for the election, any one person empowered to sign for such firm, and
- (b) in the case of a company or other corporation any one manager, director or secretary of the company or corporation.

13. A person shall be qualified as an elector for a labour constituency who has a place of residence in the constituency and is, on account of employment by a company which is a member of one of the affiliated Associations of the Bengal Chamber of Commerce, in receipt of a monthly wage amounting to Rs. 25 and not exceeding Rs. 35.

S. P. O'DONNELL,  
*Secretary to the Govt. of India.*



# The Calcutta Gazette

WEDNESDAY, MAY 26, 1920.

## PART IA.

### ***Orders and Notifications by the Government of India.***

The following notifications, issued by the Government of India in the Home Department, published in the *Gazette of India, Extraordinary*, dated the 15th May 1920, are republished for general information.

H. L. STEPHENSON,  
*Chief Secy. to the Govt. of Bengal.*

### NOTIFICATIONS.

*Simla, the 15th May 1920.*

*No. 1158.*—The following Message from His Excellency the Viceroy to the Muslim People of India, is published for general information:—

### MESSAGE.

“Today the decisions of the Supreme Council of the Allies in respect of the peace settlement with Turkey have been made known to the world. They have been reached after the most careful and anxious consideration of representations from the Muslims of all countries, and you have my assurance that before coming to its present decisions the Supreme Council has had all possible regard to those representations which have proceeded from the Muhammadan subjects of His Majesty in India. My Government are issuing along with a summary of the peace terms a statement which explains the principal decisions and the reasons for them. These decisions are in full accordance with the high principles which have been applied in the peace settlements with all other powers lately at war with Britain and her Allies. Nevertheless, they include terms which I fear must be painful to all Muslims. The long delays which have protracted your anxiety for over a year, although they have been unavoidable, have filled me with regret for your sakes, and now in your hour of trial I desire to send you a message of encouragement and sympathy, which I trust will uphold you. In the day of the Empire's need you made a splendid response to the call of your King and country, and by so doing you contributed much to the triumph of those ideals of justice and humanity for which the Allies fought. The Empire of which you form a part is now firmly established on these ideals, and a great future of political progress and material prosperity is within the grasp of the Muslims of India who have ever enjoyed under British Rule the fullest religious freedom. Before the late disastrous war Great Britain had always maintained the closest ties of friendship with Turkey, and I am confident that with the conclusion of this



new treaty that friendship will quickly take life again, and a Turkey, regenerate, full of hope and strength, will stand forth in the future as in the past a pillar of the Islamic faith. This thought will, I trust, strengthen you to accept the peace terms with resignation, courage and fortitude and to keep your loyalty towards the Crown bright and untarnished as it has been for so many generations."

GOD SAVE THE KING EMPEROR.

CHELMSFORD,

*Viceroy and Governor General of India.*

*The 15th May 1920.*

No. 1159.—1. The following are the principal conditions of the Peace Terms which have been communicated by the Allies to Turkey :—

- (1) The frontiers of Turkey will be as already demarcated and, where necessary, revised by a boundary commission to be created. According to this delimitation, Turkey will include the Constantinople sector of Thrace and all the predominantly Turkish areas of Asia Minor.
- (2) The rights and title of the Turkish Government in Constantinople will not be affected, but the right to modify this provision is reserved in the event of the failure of Turkey faithfully to fulfil the Treaty.
- (3) A Commission of the Straits will have authority over all waters between the Mediterranean mouth of the Dardanelles and the Black Sea mouth of the Bosphorous and of the waters within three miles of each of these mouths, also on the shores to such extent as may be necessary. The duty of the Commission will be to ensure freedom of navigation in these waters in peace and war.
- (4) A scheme of Local Self-Government will be drafted for Kurdistan, including provision for the protection of Assyro-Chaldean and other minorities. The League of Nations will decide later whether Kurdistan should be granted independence of Turkey if it be proved that separation is desired by the majority of the Kurdish people.
- (5) Certain portions of Smyrna are formed into a separate unit to be administered by Greece, the suzerainty of Turkey being continued for a period of years till the autonomous State of Smyrna decides its own destiny.
- (5) With the exception of the Constantinople sector, Eastern Thrace is ceded to Greece, provision being made for the local self-government of the town of Adrianople.
- (7) Certain portions of the Armenian districts of Turkey are added to the existing Armenian Republic, the boundary between Turkey and Armenia in certain districts being referred to the arbitration of the President of the United States, whose decision will be final thereon and on any stipulation regarding Armenian access to the sea.
- (8) Syria, Mesopotamia and Palestine are provisionally recognized as independent States subject to administrative advice and assistance from mandatory Power until such time as they are able to stand alone. The mandate for Syria has been entrusted to France and those for Mesopotamia and Palestine to Britain. The mandate for Palestine will include the provision for giving effect to the declaration of November 8th, 1917 regarding the establishment of a national home for the Jewish people.
- (9) The Hedjaz is recognized as a free and independent State. The King of Hedjaz undertakes to assure free and easy access to Mecca and Medina to Muslim pilgrims of all countries.
- (10) Turkey relinquishes all rights and titles over Egypt, the Sudan, and Cyprus.
- (11) Turkey recognises the French protectorate over Morocco and Tunis.
- (12) Turkey renounces her claims to certain islands in the Aegean.
- (13) The military, naval, and air forces at the disposal of Turkey will consist of the following :—
  - (i) The Sultan's Bodyguard at Constantinople;
  - (ii) A troop of gendarmerie for the maintenance of internal order and security and the protection of minorities;
  - (iii) Special elements for reinforcement of the Gendarmerie and eventual control of the frontiers.

The bodyguard is limited to 700 and the Gendarmerie with special elements to 50,000.

All warships interned in Turkish ports are declared to be finally surrendered.

The Turkish fleet is limited to 6 torpedo boats and 7 sloops.

No military or naval air forces or dirigibles are to be maintained.

(14) Control will be maintained over the finances of Turkey until the discharge of her international obligations has been assured.

(15) Freedom of navigation and transit is secured. The following ports are declared international ports, provision to be made for free zones in each—Alexandretta, Basrah, Batoum, Constantinople, Dedeagatch, Haifa, Haidar Pasha, Smyrna and Trebizond.

In addition to the above, there are numerous provisions regarding:—

(16) (a) League of Nations, (b) Protection of Minorities, (c) Restoration of abandoned property rights, (d) Prisoners of War, (e) Graves of Allied soldiers, (f) Punishment of war criminals, (g) Economic questions and concessions, (h) Labour conventions, and (i) Antiquities, but it is not necessary to detail these in the present statement.

2. However much they may regret some of these decisions Indian Muslims must feel satisfaction in knowing that the settlement has been greatly influenced by their representations. When replying to the Khilafat deputation on the 29th January last, His Excellency the Viceroy gave an account of the steps which had been taken by the Secretary of State and himself from the date of the armistice onwards to represent to His Majesty's Government the views of Indian Muslims, especially with regard to the holy places in the Hedjaz and the future of Constantinople, and to secure that their representations should receive a full hearing from the Supreme Council of the Allies. After that date the representatives of the All-India Khilafat Conference were given every facility and assistance by the Government of India to lay their case before the Prime Minister and the strength of Indian Muslim feeling in the matter has been impressed upon His Majesty's Government in frequent communications made to the Secretary of State. The Prime Minister replying to the Khilafat Deputation assured the Muhammadans of India that their case had been presented with great force and had been examined with conscientious care not merely by the delegates of the British Empire, but also by the Supreme Council of the Allies. And in fact the representations made by Indian Muhammadans did materially influence the final decision. It is well known that there was a great and strong body of public opinion both in England and America which favoured the removal of the Turkish capital from Constantinople to Asia Minor, and that such counsels did not prevail is in no small measure due to the knowledge how keenly Indian Moslem opinion was opposed to this step. Indian Moslems have therefore the satisfaction of knowing that largely out of deference to their feelings and the representations of the Government of India, Constantinople was saved for the Turkish Empire as its capital.

3. The Governor General in Council would next like to advert to the allegation which is sometimes made that British policy has ever been in the past unfriendly to Turkey. For this statement there is no foundation. It is unnecessary to refer to the ancient friendship between the two countries, proved by the entry of Britain on the side of Turkey in the Crimean war and by all her subsequent efforts to preserve the integrity of the Ottoman Empire. The forbearance which Britain displayed and the provocation which Turkey under the domination of German influences and the leadership of the Committee of Union and Progress gave, before war was declared, were fully explained in the communiqué issued by the Government of India in October 1914. It was Turkey which broke the traditional friendship with Great Britain. In his reply to the Khilafat Deputation the Prime Minister made it absolutely clear that Britain had no understanding of any sort or kind with Russia to the detriment of Turkey when the war began. In fact Britain sought to deter Turkey from entering the war by giving her the most complete assurances that if she maintained neutrality, Britain would see that at the conclusion of peace no conditions would be laid down which would impair her independence and integrity, and that economic conditions of a character favourable to Turkey would be obtained. In spite of all these assurances Turkey took the fatal step of entering the war on the side of Germany, and against her ancient Ally.

4. It is most important that there should be no misunderstanding as to the attitude of Government towards the question of the Khilafat. The



Government of India repeat again that the question of the Khilafat is one for Muhammadans, and Muhammadans only, to decide, and that with their free choice in this matter, Government have no desire to interfere. But they cannot acquiesce in the statement which is now made that the Khilafat of the Ottoman Sultan has remained unchanged in its temporal attributes for thirteen centuries or that it implies any temporal allegiance on the part of Indian Muslims. These are propositions which are contrary to history. The temporal power associated with the Khilafat has undergone the most violent fluctuations during the last thirteen centuries. It has covered the whole of the dominions embraced in the Saracenic Empire when that was in the fullness of its glory. On the other hand it was reduced to nothing for over two centuries when the Khalifa was the mere spiritual Head of Islam under the Mameluk dynasty of Egypt. With the transference of the Khilafat to the Ottoman dynasty, the temporal power of the Khalifa has waxed and waned with the extent of the Ottoman Empire, but the essence of the Khilafat remained unaltered and cannot now be affected by any present change in the boundaries of that Empire. Nor, also, so far as Indian Moslems are concerned, is there any historical basis for the claim that the Khilafat implies any temporal allegiance on their part to the Sultan of Turkey. Any such theory of divided allegiance would be subversive of the constitutional basis on which all Governments rest.

5. It is also a mistake to suppose that the war was a religious one or that the terms of peace have been influenced in any way by religious considerations. The Muslims of India recognized this first proposition very clearly five years ago. The war was one between Christian powers and the alliance of Turkey with a Christian power places this beyond doubt. As to the second the peace conference has applied the same principles to all autocratic empires, Muslim and Christian alike. The Empire of Austria-Hungary has lost over two-thirds of its dominions and three-fourths of its population. Heavy as Turkey's losses are they fall far short of these. And although it is true that Turkish sovereignty has been confined to areas within which Turks predominate, Indian Muhammadans must remember that the independence of their Arab co-religionists remains intact throughout a very large proportion of the remainder of the former Ottoman Empire and that the only areas which have been removed entirely from Muslim control are the comparatively small areas of Armenia, Thrace and Smyrna, in each of which according to pre-war statistics the population was predominantly non-Muslim.

6. Again it has been said that the settlement is a breach of the promise or offer made by the Prime Minister in his speech of January 1918 when he said: "Nor are we fighting to destroy Austria-Hungary or to deprive Turkey of its capital or of the rich and renowned lands of Asia Minor and Thrace which are predominantly Turkish in race." This passage must however be read with its context, for Mr. Lloyd George continued, "While we do not challenge the maintenance of the Turkish Empire in the home-lands of the Turkish race with its capital at Constantinople—the passage between the Mediterranean and the Black Sea being internationalized and neutralized—Arabia, Armenia, Mesopotamia, Syria and Palestine are, in our judgment, entitled to a recognition of their separate national conditions."

The peace terms now published fulfil this offer or promise, for her home-lands which are predominantly Turkish in race have been left to Turkey and those portions of Thrace and Smyrna which have been separated have been treated in accordance with the principle of nationality. This is a principle which has been followed in all the other Treaties of peace. The Supreme Council decided that the Turks had forfeited their title to rule over the majorities of other races and that these majorities should be joined to their own national states. Both in Thrace and in Smyrna the Muslim population before the war was in a minority. In 1914 and 1915 the Turkish Government carried out a systematic deportation of the non-Muslim population from these areas and the statistics of to-day cannot therefore be made a reason for retaining them under Turkish rule. In Thrace the sector of Constantinople where Turks predominate, has been conserved to Turkey. The rest of Thrace was predominantly Greek in 1912 and has therefore been united with Greece. There is no doubt that Adrianople is predominantly Turkish, but it is only an island of Turks separated from the Constantinople sector by a region predominantly Greek. It is impossible to separate an island such as this from the territories by which they are surrounded, and therefore in accordance with the universal practice of the Peace Council in

the rest of Europe it has been treated as part of Thrace subject to an arrangement which ensures a system of local self-government and guarantees proper representation to the Turkish majority in Adrianople. Similarly in Smyrna the majority of the people are definitely Greek and Armenian but the area transferred has been cut down to the minimum suitable for separate administration. The suzerainty remains with Turkey and the districts concerned will eventually decide their own destiny by vote. The port of Smyrna will be free, Turkey will have freedom of transit and there will be a separate department for the Turkish minority.

7. It is unnecessary to refer at length to the reasons which have led the Allies to insist upon the internationalization and neutralization of the Straits between the Mediterranean and the Black Sea. Its opening to Germany and its closure against the British in 1914 had disastrous effects in prolonging the great war with all its bloodshed and misery. This great waterway of the world must remain in future open to the free commerce of all nations.

8. The maintenance of some control over the finances of Turkey to safeguard international obligations is no new proposal as for years such control has been exercised for the administration of the Ottoman debt. This necessity has become all the greater now that the debt has increased from 160 millions to nearly five hundred millions, while Turkish territory has decreased. The new states formed out of Turkey and the ceded territories will bear a proportion of the pre-war debt. There are provisions granting to Turkey a consultative voice in the Financial Commission and for termination of the Commission when her obligations have been discharged.

9. The provisions regarding the army and navy of Turkey require little comment. The reduction of the Turkish army is in accordance with the arrangements which have been made for the general disarmament of the other powers lately at war with the Allies. Turkey had no effective navy before the war and this condition is maintained.

10. Of more interest to Muslims in India are those provisions which concern the portions of the former Turkish Empire where their Arab co-religionists preponderate. The absolute independence of Arabia is recognised. For generations the Arabs have suffered from the misrule of the Turks and it is unreasonable to ask that the Arab populations which have claimed independence of Turkey and have fought side by side with the Allies to secure their independence should be replaced by the Allies under Turkish rule. As the Prime Minister pointed out to the Khilafat Deputation, it would be unjust to deprive the Arabs of their independence merely because they are Muhammadans and co-religionists of the Turks. "We are applying" he said "exactly the same principles in Christian places, and to impose the dominion of the Sultan upon Arabia, which has no desire for it, is to impose upon Arabs something which we certainly would not dream of imposing upon Christian communities."

11. Similar considerations apply to Kurdistan of which the right to local autonomy is provisionally recognized, and to those areas in Asia, over which mandates have been intrusted by the Peace Conference to Britain and France, that is to say, Palestine, Mesopotamia and Syria. It cannot be too clearly understood that in all these three cases the mandates have been granted for a specific purpose and for a temporary period. The immediate application to these areas of the principle of nationality would spell chaos and anarchy; and the work of the mandatory powers is to assist the local inhabitants with administrative advice and help, until such time as they are fit to take over with success the business of administration without outside assistance. Islam will not be weakened by these arrangements and the two great Powers, to whom these mandates have been confided, include within the limits of their empires a very large proportion of the total Muslim population of the world—a guarantee that the interests and rights of the Muslims of these areas will be fully respected.

12. In the countries of Arabia, Irak and Palestine are situated the holy places of Islam with which all Muslims are profoundly concerned. When the war began the Allies gave a solemn pledge that the holy places would remain inviolate. This pledge has been observed in the spirit and in the letter during the actual occupation by His Majesty's forces of the territories in which some of the holy places are situated and steps have been taken to ensure their strict sanctity. The city of Jerusalem was not attacked as has been stated, but surrendered without violence offered or attempted, after it had been isolated in the course of operations against enemies armed in



the field. The fullest measures were straightway taken to preserve the sanctity of the holy places within it, and the city which is in itself as sacred to Christians as to Muslims was entered by the victorious British General on foot. The Muslim shrines continue as before in the hands of their own Muslim custodians. In Mesopotamia the holy places of Kerbala and Najaf were never attacked and no acts of war were committed there by our troops. The scrupulous forbearance of His Majesty's soldiers was gratefully acknowledged by the inhabitants themselves. The unopposed occupation of Baghdad as of Jerusalem involved no attack on the Holy Places, but was an inevitable incident in the field operations of the war. The shrines in these three sacred places of Mesopotamia are now in the custody of a distinguished Muslim whose charge of them is an ample assurance that their sanctity will continue to be fully respected. The British forces have conducted no operations whatever in the Hedjaz and any reports that Mecca or Medina has been entered by British troops are utterly without foundation. These places are entirely under Arab control.

13. There remains the case of certain Armenian districts whose incorporation in the adjoining Armenian Republic is a direct consequence of Turkish misrule and of the application to this area of the principle of nationality. The cruelties perpetrated on the Armenians in the shape of massacre and deportation admit of no doubt. The story has been proved by independent and reliable witnesses and it is established beyond dispute that during the year 1915 at least 600,000 Armenians were destroyed. The facts were indeed admitted by the Turkish emissaries in Paris who represented the Turkish Government and their sole excuse was that the Committee of Union and Progress who are in power at the time were responsible for the massacres.

14. In these explanations of the Turkish Peace terms, the Governor-General in Council does not speak for His Majesty's Government. He has utilized such information as has come into his possession, and has attempted to explain the terms with special reference to their bearing on Indian Muslim sentiments. He has stated all the facts, nothing being mitigated and nothing overstated. He recognises that in spite of all explanations the terms of the peace settlement with Turkey are such as must cause pain to the Muhammadans of India. Indian Muslims must brace themselves to bear with patience and resignation the misfortunes of their Turkish co-religionists. The situation is one which calls for clear vision and a resolve to build a better future on the wreck of the past. Above all the world needs peace and goodwill. It is a matter of supreme necessity for all men to work towards this end and those who at this critical time arouse religious passions are enemies not only of India but of mankind.

H. McPHERSON,  
*Secretary to the Govt. of India.*

The following notification, issued by the Government of India in the Foreign and Political Department, published in the *Gazette of India*, dated the 15th May 1920, is republished for general information.

H. L. STEPHENSON,  
*Chief Secy. to the Govt. of Bengal.*

#### NOTIFICATION.

*Simla, the 13th May 1920.*

No. 1347-I.B.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor General in Council is pleased to appoint Mr. H. J. Twynam, I.C.S., Vice-President of the Cooch Behar State Council, being a European British subject, to be a Justice of the Peace within the Cooch Behar State.

J. B. WOOD,  
*Secretary to the Govt. of India.*

The following notifications, issued by the Government of India in the Department of Commerce, published in the *Gazette of India*, dated the 15th May 1920, is republished for general information.

H. L. STEPHENSON,  
*Chief Secy. to the Govt. of Bengal.*

#### NOTIFICATIONS.

##### POST OFFICE.

*Simla, the 15th May 1920.*

No. 2087.—In exercise of the powers conferred by section 18 (1) of the Indian Post Office Act, 1898, (VI of 1898), the Governor General in Council is pleased to direct that the following amendments shall be made in rule 164 of the rules published with the notification of the Government of India in the Department of Commerce and Industry, No. 2883-45, dated the 26th April 1913, as subsequently amended, namely:—

1. Below condition (a), the following shall be inserted as item (i) and the existing items (i), (ii), (iii) and (iv) shall be renumbered as (ii), (iii), (iv) and (v), respectively:—

“(i) the Presidency Postmasters, Calcutta, Bombay and Madras and the Postmasters, Rangoon and Lahore, in respect of articles posted within their jurisdiction.”

2. For condition (f), the following shall be substituted, namely:—

“( ) Upon receiving such application and statement, together with the prescribed fee as aforesaid the officer in charge of the post office shall, if he is not one of the officers mentioned in condition (a) (i) or subordinate to one of those officers, send the same to the chief postal authority in the postal circle in which he is serving. If he is one of the officers mentioned in condition (a) (i), he shall immediately take action on the application in accordance with condition (i). If he is subordinate to one of the officers mentioned in condition (a) (i), he shall immediately send the application, statement and fee to that officer.”

3. For condition (g), the following shall be substituted, namely:—

“(g) If the postal article, of which re-delivery is sought, is in his possession, the officer in charge of the post office shall, instead of forwarding it to the addressee, keep it in deposit, and, if he is not one of the officers mentioned in condition (a) (i) shall send the application to the authority mentioned in conditions (a) (i) and (ii) to whom he is subordinate.”

##### TRADE AFTER THE WAR—HIDES, SKINS AND LEATHER.

*The 15th May 1920.*

No. 2076.—In pursuance of the notification in this Department No. 650, dated the 3rd April 1920, the Governor General in Council is pleased to designate, as the persons by whom the certificates required by the said notification should be granted in the case of raw hides or skins exported to the Dominion of Canada, the Collectors of Customs in the Dominion.

##### TRADING BY FOREIGNERS.

*The 15th May 1920.*

No. 2046.—In exercise of the power conferred by sub-section (4) of section 4 of the Enemy Trading Act, 1916 (X of 1916), the Governor General in Council is pleased to determine the order passed under notification No. 10537, dated the 8th September 1917, in the Department of Commerce and Industry, prohibiting the firm of Messrs. H. Blascheck and Company from carrying on business in British India except subject to the conditions specified in it.

C. A. INNES,  
*Secretary to the Govt. of India.*



The following notifications, issued by the Government of India in the Board of Industries and Munitions, published in the *Gazette of India*, dated the 15th May 1920, are republished for general information.

H. L. STEPHENSON,  
*Chief Secy. to the Govt. of Bengal.*

#### NOTIFICATIONS.

*Simla, the 15th May 1920.*

*No. Min.-76-21.*—The services of the Hon'ble Mr. B. Foley, I.C.S., Chairman of the Coal-fields Committee, are replaced at the disposal of the Government of Bihar and Orissa, with effect from the afternoon of the 26th April 1920.

#### MINES REGULATIONS.

*The 15th May 1920.*

*No. Min.-205.*—The following draft of an addition which it is proposed to make in exercise of the powers conferred by section 20 of the Indian Mines Act, 1901 (VIII of 1901), to the rules applicable to all mines in British India issued with the Government of India, Department of Commerce and Industry, Notification, No. 11793-103 (G. and M.), dated the 30th December 1908, as subsequently amended, is published, as required by the same section, for the information of persons concerned. Notice is hereby given that the draft will be taken into consideration by the Governor-General in Council on or after the 15th August 1920.

Any objection or suggestion, which may be received from any person with respect to the draft before the date fixed aforesaid, will be considered by the Governor-General in Council.

#### *Draft addition.*

"Rule 11.—A copy of these rules shall be kept at every mine and shall be produced at any time on the request of an Inspector of Mines."

F. R. R. RUDMAN,  
*Secretary, Board of Industries and Munitions.*

The following notification, issued by the Government of India in the Legislative Department, published in the *Gazette of India*, dated the 15th May 1920, is republished for general information.

H. L. STEPHENSON,  
*Chief Secy. to the Govt. of Bengal.*

#### NOTIFICATION.

*Simla, the 10th May, 1920.*

*No. 58.*—A vacancy having occurred in the Indian Legislative Council by reason of the death of the Hon'ble Rai Sita Nath Ray Bahadur, an Additional Member elected to the said Council by the non-official Additional Members of the Council of the Governor of Fort William in Bengal, the Governor General is pleased, in pursuance of the provisions of Regulation XI(b) of the Regulations for the nomination and election of Additional Members of the Legislative Council of the Governor General, to call upon the non-official Additional Members of the Council of the Governor of Fort William in Bengal to elect, in accordance with the said Regulations, a person for the purpose of filling the said vacancy on or before the 10th July 1920.

H. P. DUVAL,  
*Offg. Secy to the Govt of India.*

The following notification, issued by the Government of India in the Reforms Office, published in the *Gazette of India*, dated the 15th May 1920, is republished for general information.

H. L. STEPHENSON,  
*Chief Secy. to the Govt. of Bengal.*

#### NOTIFICATION.

*Simla, the 11th May 1920.*

No. 491F.—The following rules relating to the Legislative Assembly and the Council of State, which have been made under sections 63A(1), 63B(1) and (2) and 64(1) (a), (b), (c), (d), (e) and (f) of the Government of India Act and submitted for the sanction of the Secretary of State in Council, are published for general information:—

Composition of Legislative Assembly. I. The Legislative Assembly shall consist of—

- (1) one hundred and two elected members, and
- (2) forty-one members nominated by the Governor General, of whom not more than twenty-six may be officials, and one shall be a person nominated as the result of an election held in Berar.

#### *Elected Members.*

II. The elected members shall be elected by the constituencies specified in Schedule I to these rules subject to the provisions of that Schedule in regard to constituencies entitled to elect in rotation, and the number of members to be elected by each constituency shall be as stated therein against that constituency.

General disqualifications for being elected.

if such person—

- (a) is not a British subject; or
- (b) is a female; or
- (c) is already a member of any legislative body constituted under the Act; or
- (d) having been a legal practitioner has been dismissed or is under suspension from practising as such by order of any competent court; or
- (e) has been adjudged by a competent court to be of unsound mind; or
- (f) is under 25 years of age; or
- (g) is an undischarged insolvent; or
- (h) being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part:

Provided that, if the Ruler of a State in India or any subject of such a State is not ineligible for election to the Legislative Council of a province, such Ruler or subject shall not by reason of not being a British subject be ineligible for election to the Legislative Assembly by any constituency in that province:

Provided further that the disqualification mentioned in clause (d) may be removed by an order of the Governor General in Council in this behalf.

(2) A person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for a period of more than six months is subsisting shall, unless the offence of which he was convicted has been pardoned, not be eligible for election for five years from the date of the expiration of the sentence.

(3) A person who has been convicted of an offence under Chapter IX-A of the Indian Penal Code punishable with imprisonment for a term exceeding six months or has been reported by Commissioners holding an election inquiry as guilty of a corrupt practice as specified in Part I, or in paragraph 1, 2 or 3 of Part II, of Schedule IV to these rules, shall not be eligible



for election for five years from the date of such conviction or of the finding of the Commissioners, as the case may be; and a person reported by such Commissioners to be guilty of any other corrupt practice shall be similarly disqualified for three years from such date.

(4) A person who having been a candidate or an election agent at an election has failed to lodge the return of election expenses hereinafter prescribed or has lodged a return which is found either by Commissioners holding an election inquiry or by a Magistrate in a judicial proceeding to be false in any material particular shall be disqualified for five years from the date of the election from being nominated as a candidate at any other election:

Provided that either of the disqualifications mentioned in sub-rules (3) and (4) of this rule may be removed by an order of the Governor General in Council in that behalf.

Special qualifications for election in case of certain constituencies.

IV. (1) A person shall not be eligible for election as a Member of the Legislative Assembly to represent—

- (a) a general constituency in the presidency of Madras or in the presidency of Bengal, unless his name is registered on the electoral roll of the constituency or of another constituency of the same communal description situate in the same presidency; or
- (b) a general constituency in the presidency of Bombay, unless his name is registered on the electoral roll of the constituency and he has resided in the constituency for a period of six months prior to the first day of January in the year in which the constituency is called upon to elect a member or members: provided that a candidate eligible for election in any such constituency shall be eligible for election in a constituency of the same communal description if the whole or part of either constituency is included in the same district; or
- (c) a general constituency in the province of Bihar and Orissa or in the province of Assam, unless his name is registered on the electoral roll of the constituency or of any other general constituency in the same province; or
- (d) a Muhammadan or non-Muhammadan constituency in the United Provinces of Agra and Oudh, unless his name is registered on the electoral roll of a Muhammadan or non-Muhammadan constituency in that province; or
- (e) a general constituency in the Punjab or in the Central Provinces or a European constituency in the United Provinces of Agra and Oudh or a constituency in the Province of Burma or any special constituency, unless his name is registered on the electoral roll of the constituency.

(2) For the purposes of these rules—

- (a) “general constituency” means a non-Muhammadan, Muhammadan, European, non-European, or Sikh constituency; and
- (b) “special constituency” means a Landholders’ or Indian Commerce constituency.

#### *The right to elect.*

V. (1) Every person shall be entitled to have his name registered on the electoral roll of a constituency who has the qualifications prescribed for an elector of that constituency and who is not subject to any of the disqualifications hereinafter set out, namely:—

General condition of registration and disqualifications.

- (a) is not a British subject; or
- (b) is a female; or
- (c) has been adjudged by a competent court to be of unsound mind; or
- (d) is under 21 years of age:

Provided that, if the Ruler of a State in India or any subject of such a State is not disqualified for registration on the electoral roll of a constituency of the Legislative Council of a province, such ruler or subject shall not by reason of not being a British subject be disqualified for registration on the

electoral roll of any constituency of the Legislative Assembly in that province :

Provided further that, if a resolution is passed by the Legislative Assembly recommending that the sex disqualification for registration should be removed either in respect of women generally or any class of women, the Governor-General in Council shall make regulations providing that women or a class of women, as the case may be, shall not be disqualified for registration by reason only of their sex :

Provided further that no person shall be entitled to have his name registered on the electoral roll of more than one general constituency.

(2) If any person is convicted of an offence under Chapter IX-A. of the Indian Penal Code punishable with imprisonment for a term exceeding six months or is reported by the Commissioners holding an election inquiry as guilty of a corrupt practice as specified in Part I, or in paragraph 1, 2 or 3 of Part II, of schedule IV to these rules, his name, if on the electoral roll, shall be removed therefrom and shall not be registered thereon for a period of five years from the date of the conviction or the report, as the case may be, or if not on the electoral roll, shall not be so registered for a like period ; and if any person is reported by such Commissioners as guilty of any other corrupt practice as specified in the said Schedule, his name, if on the electoral roll, shall be removed therefrom and shall not be registered thereon for a period of three years from the date of the report or, if not on the electoral roll, shall not be registered for a like period :

Provided that the Governor-General in Council may direct that the name of any person to whom this sub-rule applies shall be registered on the electoral roll.

VI. (1) The qualifications of an elector for a general constituency shall be such qualifications based on—

Qualifications of elector.

- (i) community,
- (ii) residence, and
- (iii) (a) ownership or occupation of a building, or
- (b) assessment to or payment of municipal or cantonment rates or taxes or local cesses ; or
- (c) assessment to or payment of income tax ; or
- (d) the holding of land,

as are specified in Schedule II to these rules in the case of that constituency.

(2) The qualifications of an elector for a special constituency shall be the qualifications specified in Schedule II to these rules in the case of that constituency.

VII. (1) An electoral roll shall be prepared for every constituency, on which shall be entered the names of all persons appearing to be entitled to be registered as electors for that constituency. It shall be published in the constituency together with a notice specifying the mode in which and the time within which any person whose name is not entered in the roll and who claims to have it inserted therein, or any person whose name is on the roll and who objects to the inclusion of his own name or of the name of any other person on the roll, may prefer a claim or objection to the Revising Authority.

Electoral roll.

(2) The regulations for the time being in force in any province for the purpose of elections to the Legislative Council of that province in regard to the following matters, namely,—

- (1) the authority by whom the electoral roll shall be prepared and the particulars to be contained in the roll,
- (2) the time at which the roll shall be prepared,
- (3) the publication of the roll in the constituency to which it relates,
- (4) the mode in which and the time within which claims and objections may be preferred,
- (5) the constitution and appointment of Revising Authorities to dispose of claims and objections,
- (6) the manner in which notices of claims and objections shall be published,
- (7) the place, date and time at which and the manner in which claims or objections shall be heard,

shall apply for the purpose of the holding of elections within that province to the Legislative Assembly :



Provided that the Governor General in Council may, by notification in the *Gazette of India*, direct that such modifications and adaptations as he may specify shall be made in the application of those regulations.

(3) The orders made by the Revising Authority shall be final, and the electoral roll shall be amended in accordance therewith and shall, as so amended, be republished in the case of each province in such manner as may be prescribed by the regulations aforesaid for the republication of electoral rolls of constituencies of the Legislative Council.

(4) The electoral roll shall come into force from the date of such republication, and shall continue in force for a period of three years or for such less period as the Governor General in Council may by regulation prescribe, and after the expiration of such period a fresh roll shall be prepared in accordance with these rules.

(5) If a constituency is called upon to elect a member or members after an electoral roll has ceased to have force and before the completion of the new electoral roll, the old electoral roll shall for the purposes of that election continue to operate as the electoral roll for the constituency.

VIII. Every person registered on the electoral roll for the time being in force for any constituency shall while so registered be entitled to vote at an election of a

Right to vote.

member or members for that constituency: provided that no person shall vote in more than one general constituency.

IX. (1) Any person may be nominated as a candidate for election in any constituency for which he is eligible for election under these rules.

Nomination of candidates.

(2) On or before the date on which a candidate is nominated, the candidate shall make in writing and sign a declaration appointing either himself or some other person who is not disqualified under these rules for the appointment to be his election agent, and no candidate shall be deemed to be duly nominated unless such declaration has been made.

(3) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be renominated as a candidate for the same election.

X. (1) If the number of candidates who are duly nominated and who have not withdrawn their candidature before such time as the Governor General in Council may fix in this behalf exceeds that of the vacancies, a poll shall be taken.

Election.

(2) If the number of such candidates is equal to the number of vacancies all such candidates shall be declared to be duly elected.

(3) If the number of such candidates is less than the number of vacancies, all such candidates shall be declared to be elected, and the Governor General shall, by a notification in the *Gazette of India*, call for fresh nominations for the remaining vacancies, and if any such are received shall call upon the constituencies concerned to elect members to fill these vacancies.

(4) Votes shall be given by ballot and in general and Landholders constituencies in person, No votes shall be received by proxy.

(5) In plural-member constituencies every elector shall have as many votes as there are members to be elected: provided that no elector shall give more than one vote to any one candidate except in the case of the plural-member constituencies in the presidency of Bombay, in which constituencies any elector may accumulate his votes upon one candidate or distribute them amongst the candidates as he pleases.

(6) Votes shall be counted by the Returning Officer, and any candidate, or, in the absence of the candidate, a representative duly authorised by him in writing, shall have a right to be present at the time of counting.

(7) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates, as the case may be, to whom the largest number of votes has been given to be elected.

(8) Where an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected, the determination of the person or persons to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

(9) The Returning Officer shall without delay report the result of the election to the Secretary to the Government of India in the Legislative

Department, and the name or names of the candidate or candidates elected shall be published in the *Gazette of India*.

XI. The regulations for the time being in force in any province for the purpose of elections to the Legislative Council of that province in regard to the following matters, namely,—

Regulations regarding the conduct of elections.

- (1) the form and manner in, and the conditions on, which nominations may be made, and for the scrutiny of nominations,
- (2) the appointment of a Returning Officer for each constituency and for his powers and duties,
- (3) the division of general and Landholders' constituencies into polling areas and the appointment of polling stations for these areas,
- (4) the appointment of officers to preside at polling stations, and the duties of such officers,
- (5) the checking of voters by reference to the electoral roll,
- (6) the manner in which votes are to be given, both generally and in the case of illiterate voters or voters under physical or other disability,
- (7) the procedure to be followed in respect of tender of votes by persons representing themselves to be electors after other persons have voted as such electors,
- (8) the scrutiny of votes,
- (9) the safe custody of ballot papers and other election papers, the period for which such papers shall be preserved, and the inspection and production of such papers, and
- (10) the conduct of elections generally,

shall apply for the purpose of the holding of elections within that province to the Legislative Assembly:

Provided that the Governor-General in Council may, by notification in the *Gazette of India*, direct that such modifications and adaptations as he may specify shall be made in the application of those regulations.

XII. (1) If any person is elected by more than one constituency, he shall, by notice in writing signed by him and delivered to the Secretary to the Government of India in the Legislative Department within seven days from the date of the publication of the result of such election in the *Gazette of India*, choose for which of these constituencies he shall serve, and the choice shall be conclusive.

(2) When any such choice has been made, the Governor-General shall call upon any constituency or constituencies for which such person has not chosen to serve to elect another person or persons.

(3) If the candidate does not make the choice referred to in sub-rule (1) of this rule, the election of such person shall be void and the Governor-General shall call upon the constituency or constituencies concerned to elect another person or persons.

#### *Election agents and expenses.*

XIII. No person shall be appointed an election agent who is himself ineligible for election as being subject to the disqualification mentioned in sub-rule (3) of rule III.

Disqualification for being an election agent.

XIV. (1) Within one month or such longer period as the Governor-General may allow after the date of the declaration of the result of the election every candidate, either personally or through his election agent, shall cause to be lodged with the Returning Officer a return of his election expenses containing the particulars specified in Schedule III to these rules.

Return of election expenses.

(2) Every such return shall contain a statement of all payments made by the candidate or by his election agent or by any persons on behalf of the candidate or in his interests for expenses incurred on account of or in respect of the conduct and management of the election, and further a statement of all unpaid claims in respect of such expenses of which he or his election agent is aware.



(3) The return shall be accompanied by declarations by the candidate and his election agent which shall be in the form contained in the said Schedule and shall be made on oath or affirmation before a Magistrate.

(4) The Governor General in Council shall cause to be prepared in such manner, and maintained for such time, as he may direct, a record showing the names of all candidates at every election under these rules and the date on which the return of election expenses of each candidate has been lodged with the Returning Officer.

XV. Every election agent shall keep regular books of account in which the particulars of all expenditure of the nature referred to in rule XIV shall be entered, whether such expenditure is incurred by the candidate or by the election agent or by any person under the direction of the candidate or the election agent.

Accounts of Agents.

#### *Nominated Members.*

XVI. (1) Save as expressly provided in these rules in regard to the nomination of a person elected in Berar, no person shall be nominated to the Legislative Assembly who—

- (a) is not a British subject ; or
- (b) is a female ; or
- (c) is already a member of any legislative body constituted under the Act ; or
- (d) having been a legal practitioner has been dismissed or is under suspension from practising as such by order of any competent court ; or
- (e) has been adjudged by a competent court to be of unsound mind ; or
- (f) is under 25 years of age ; or
- (g) is an undischarged insolvent ; or
- (h) being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part :

Provided that, if the Ruler of a State in India or any subject of such a State is not disqualified for nomination to the Legislative Council of a province, such Ruler or subject shall not by reason of not being a British subject be disqualified for nomination to the Legislative Assembly to represent that province :

Provided further that the disqualification mentioned in clause (d) may be removed by an order of the Governor in Council in this behalf.

(2) A person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for a period of more than six months is subsisting shall, unless the offence of which he was convicted has been pardoned, not be eligible for nomination for five years from the date of the expiration of the sentence.

(3) A person who has been convicted of an offence under Chapter IX-A of the Indian Penal Code punishable with imprisonment for a term exceeding six months or has been reported by Commissioners holding an election inquiry as guilty of a corrupt practice as specified in Part I, or in paragraph 1, 2 or 3 of Part II, of Schedule IV to these rules, shall not be eligible for nomination for five years from the date of such conviction or of the finding of the Commissioners, as the case may be ; and a person reported by such Commissioners to be guilty of any other corrupt practice shall be similarly disqualified for three years from such date.

(4) A person who having been a candidate or an election agent at an election has failed to lodge the return of election expenses prescribed in these rules or has lodged a return which is found either by Commissioners holding an inquiry or by a Magistrate in a judicial proceeding to be false in any material particular shall not be eligible for nomination for five years from the date of the election :

Provided that either of the disqualifications mentioned in sub-rules (3) and (4) of this rule may be removed by an order of the Governor General in Council in this behalf.

XVII. (1) A nominated non-official member shall hold office for the duration of the Legislative Assembly to which he is nominated.

Term of office of nominated member.

(2) Official members shall hold office for the duration of the Legislative Assembly to which they are nominated or for such shorter period as the Governor General may, at the time of nomination, determine.

*Obligation to take oath.*

XVIII. Every person who is elected or nominated to be a member of the Legislative Assembly shall before taking his seat make at a meeting of the Legislative Assembly an oath or affirmation of his allegiance to the Crown in the following form, namely:—

I, A. B. having been <sup>elected</sup><sub>nominated</sub> a member of this Assembly do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Majesty the King, Emperor of India, His heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter.

*Vacation of seat.*

XIX. If any person having been elected or nominated subsequently becomes subject to any of the disabilities stated in clauses (a), (d), (e), (g) and (h) of sub-rule (1) or in sub-rules (2), (3) and (4) of rule III or of rule XVI, as the case may be, or fails to make the oath or affirmation prescribed by rule XVIII within such time as the Governor General considers reasonable, the Governor General shall, by notification in the *Gazette of India*, declare his seat to be vacant.

XX. (1) When a vacancy occurs in the case of an elected member by reason of his election being declared void or his seat being declared vacant, or by reason of absence from India, inability to attend to duty, death, acceptance of office or resignation duly accepted, the Governor General shall, by notification in the *Gazette of India*, call upon the constituency concerned to elect a person for the purpose of filling the vacancy within such time as may be prescribed by such notification.

(2) If a vacancy occurs in the case of a nominated member, the Governor General shall nominate to the vacancy a person having the necessary qualification under these rules.

*First constitution of the Legislative Assembly.*

XXI. (1) As soon as conveniently may be after these rules come into force, a Legislative Assembly shall be constituted in accordance with their provisions.

(2) For this purpose the Governor General shall, by notification in the *Gazette of India*, call upon the constituencies referred to in rule II to elect members in accordance with these rules within such time as may be prescribed by such notification, and shall make such nominations as may be necessary to complete the Legislative Assembly before the date fixed for its first meeting.

(3) If any difficulty arises as to the preparation or publication of the first electoral roll or the holding of the first elections after the commencement of these rules, the Governor General in Council may by order do any matter or thing which appears to him necessary for the proper preparation or publication of the roll or for the proper holding of the elections.

*General Elections.*

XXII. (1) On the expiration of the duration of a Legislative Assembly or on its dissolution, a general election shall be held in order that a new Legislative Assembly may be constituted.

(2) On such expiration or dissolution, the Governor General shall, by notification in the *Gazette of India*, call upon the constituencies referred to in rule II to elect members in accordance with these rules within such time after the date of expiration or dissolution as may be prescribed by such notification:



Provided that, if the Governor General thinks fit, such notification may be issued at any time not being more than three months prior to the date on which the duration of the Legislative Assembly would expire in the ordinary course of events.

(3) Before the date fixed for the first meeting of the Legislative Assembly, the Governor General shall make such nominations as may be necessary to complete the Legislative Assembly.

XXIII. As soon as may be after the expiration of the time fixed for the election of members at any general election, the names of the members elected for the various constituencies at such election shall be notified in the *Gazette of India*.

Publication of result of general election.

#### SCHEDULE I.

(See rule II.)

#### I.—List of Constituencies entitled to representation in every Legislative Assembly.

Province.	Name of Constituency.	Class of Constituency.	Extent of Constituency.	No. of members.
Bengal	Calcutta (Non-Muhamadan).	Non-Muhamadan Urban.	Calcutta as defined in section 3 (7) of the Calcutta Municipal Act, 1899.	1
Do.	Calcutta Suburbs (Non-Muhamadan).	Ditto	The municipalities of Hooghly, Chinsura, Bansbaria, Serampore, Rishra, Konnagar, Uttarpara, Baidyabati, Bhadreswar, Champdani, Kotrung, Arambagh, Howrah, Bally, Joynagar, Barnipur, Rajpur, Budge-Budge, Garden Reach, South Suburban, Tollygunge, Cossipore and Chitpur, Maniktala, Baranagar, Kamarhati, Garulia, Barrackpore (including Barrackpore cantonment), South Barrackpore, North Barrackpore, Panihati, Titagarh, North Dum-Dum (including Dum-Dum Cantonment), South Dum-Dum, Naihati, Halisahar, Kandurapara, Bhatpara, Gobardanga, Barasat, Baduria, Basirhat and Taki.	1
Do.	Burdwan Division (Non-Muhamadan).	Non-Muhamadan Rural.	The Burdwan Division excluding the municipalities of Hooghly, Chinsura, Bansbaria, Serampore, Rishra, Konnagar, Uttarpara, Baidyabati, Bhadreswar, Champdani, Kotrung, Arambagh, Howrah and Bally.	1
Do.	Calcutta Presidency Division (Non-Muhamadan).	Ditto	The Presidency Division excluding the municipalities of Joynagar, Barnipur, Rajpur, Budge-Budge, Garden Reach, South Suburban, Tollygunge, Cossipore and Chitpur, Maniktala, Baranagar, Kamarhati, Garulia, Barrackpore (including Barrackpore cantonment), South Barrackpore, North Barrackpore, Panihati, Titagarh, North Dum-Dum (including Dum-Dum cantonment), South Dum-Dum, Naihati, Halisahar, Kandurapara, Bhatpara, Gobardanga, Barasat, Baduria, Basirhat and Taki.	1

Province.	Name of Constituency.	Class of Constituency.	Extent of Constituency.	No. of members.
Bengal	... Dacca Division (Non-Muhammadan).	Non-Muhammadan rural.	The Dacca Division ...	1
Ditto	... Chittagong and Rajshahi Divisions (Non-Muhammadan).	Ditto ...	The Chittagong Division excluding the Chittagong Hill Tracts and the Rajshahi Division excluding the District of Darjeeling.	1
Ditto	... Calcutta and Suburbs (Muhammadan).	Muhammadan Urban.	Calcutta as defined in section 3 (7) of the Calcutta Municipal Act, 1899, and the municipalities of Hooghly, Chinsura, Bansberia, Serampore, Rishra, Konnagar, Uttarpara, Baidyabati, Bhadrashwar, Champdani, Kotrung, Arambagh, Howrah, Bally, Joynagar, Baruipur, Rajpur, Budge-Budge, Garden Reach, South Suburban, Tollygunge, Cossipore and Chitpur, Maniktala, Baranagar, Kamarhati, Garulia, Barrackpore (including Barrackpore cantonment), South Barrackpore, North Barrackpore, Panihati, Tittagarh, North Dum-Dum (including Dum-Dum cantonment), South Dum-Dum, Naihati, Halisahar, Kandurapara, Bhatpara, Gobardanga, Barasat, Baduria, Basirhat and Taki.	1
Ditto	... Burdwan and Calcutta Presidency Divisions (Muhammadan).	Muhammadan Rural.	The Burdwan and Presidency Divisions excluding the municipalities of Hooghly, Chinsura, Bansberia, Serampore, Rishra, Konnagar, Uttarpara, Baidyabati, Bhadrashwar, Champdani, Kotrung, Arambagh, Howrah, Bally, Joynagar, Baruipur, Rajpur, Budge-Budge, Garden Reach, South Suburban, Tollygunge, Cossipore and Chitpur, Maniktala, Baranagar, Kamarhati, Garulia, Barrackpore (including Barrackpore cantonment), South Barrackpore, North Barrackpore, Panihati, Tittagarh, North Dum-Dum (including Dum-Dum cantonment), South Dum-Dum, Naihati, Halisahar, Kandurapara, Bhatpara, Gobardanga, Barasat, Baduria, Basirhat and Taki.	1
Ditto	... Dacca Division (Muhammadan).	Ditto ...	The Dacca Division ...	2
Ditto	... Chittagong Division (Muhammadan).	Ditto ...	The Chittagong Division excluding the Chittagong Hill Tracts.	1
Ditto	... Rajshahi Division (Muhammadan).	Ditto ...	The Rajshahi Division excluding the District of Darjeeling.	1
Ditto	... Bengal (European) ...	European ...	The Bengal Presidency excluding the Chittagong Hill Tracts and the District of Darjeeling.	2
Ditto	... Bengal Landholders ...	Landholders ...	Ditto ...	1



*II.—List of Constituencies entitled to representation in rotation.*

Province.	Name of Constituency.	Class of Constituency.	Extent of Constituency.	No. of members.
Bengal	Bengal National Chamber of Commerce.	Indian Commerce	(Non-territorial) ...	1
	Marwari Association ...	Ditto ...	Ditto ...	
	Bengal Mahajan Sabha ...	Ditto ...	Ditto ...	

IV.—In the case where three constituencies are bracketed together as entitled to elect one member, the constituency first mentioned shall elect to the first Legislative Assembly at the general election and at all bye-elections so long as the first Legislative Assembly continues, and the second mentioned constituency shall elect at the general election to the next Legislative Assembly and at bye-elections in like manner, and the third mentioned constituency shall elect at the general election to the third Legislative Assembly and at bye-elections in like manner, and thereafter the constituencies shall elect in like manner in rotation to succeeding Legislative Assemblies.

SCHEDULE II.

(See rule VI.)

QUALIFICATIONS OF ELECTORS.

PART III.—BENGAL.

1. For the purposes of this Part—

(a) “European” means any person of European descent in the male line being a British subject and resident in British India, who either was born in or has a domicile in the British Isles, Canada, Newfoundland, Australia, New Zealand or the Union of South Africa, or whose father was so born or has or had up to the date of the birth of the person in question such a domicile ;

(b) “previous year” means the financial year preceding that in which the electoral roll for the time being under preparation is first published under these rules.

2. Where property is held or payments are made jointly by the members of a joint family, the family shall be adopted as the unit for deciding whether under this Part the requisite qualification exists ; and, if it does exist, the person qualified shall be the manager of the family.

3. A person shall not be qualified as an elector for a general constituency by virtue of any property held or payment made as a trustee, administrator, receiver or guardian or in any other fiduciary capacity.

*General Constituencies.*

4. A person shall be qualified as an elector for the Calcutta (non-Muhammadan) Constituency. Muhammadan) constituency who is neither a Muhammadan nor a European and who has a place of residence in Calcutta as defined in section 3 (7) of the Calcutta Municipal Act, 1899, and who during and in respect of the previous year—

(a) has paid as consolidated rate levied under Chapter XII of the Calcutta Municipal Act, 1899, not less than Rs. 60, or as taxes levied under Chapter XIV of that Act, not less than Rs. 100: provided that, where any payment has been made in respect of the consolidated rate, a person shall be qualified as an elector only if his name is entered in the municipal assessment book in respect of the payment; or

(b) has paid in his own name and on his own account income-tax on an income of not less than Rs. 5,000.

5. A person shall be qualified as an elector for any other general non-Muhammadan and Muhammadan Constituencies. constituency who has a place of residence in the constituency and who during and in respect of the previous year, or, as the case may be, during and in respect of the Bengali year next preceding that in which the electoral roll for the time being under preparation is first published under these rules, has paid—

(a) as consolidated rate levied under Chapter XII of the Calcutta Municipal Act, 1899, not less than Rs. 60, or as taxes levied under Chapter XIV of that Act, not less than Rs. 100: provided that where any payment has been made in respect of consolidated rate, a person shall be qualified as an elector only if his name is entered in the municipal assessment book in respect of the payment, or

(b) in the municipality of Howrah or of Cossipore-Chitpur, municipal taxes or fees of not less than Rs. 10, or, in any other municipality or cantonment, municipal or cantonment taxes or fees of not less than Rs. 5, or

(c) road and public works cesses under the Cess Act, 1880, of not less than Rs. 5, or

(d) chaukidari tax under the Village-Chaukidari Act, 1870, or union rate under the Bengal Village Self-Government Act, 1919, of not less than Rs. 5, or

(e) in his own name and on his own account income-tax on an income of not less than Rs. 5,000:

Provided that—

(i) no person other than a Muhammadan shall be qualified as an elector for a Muhammadan constituency, and

(ii) no Muhammadan or European shall be qualified as an elector for a non-Muhammadan constituency.

6. A person shall be qualified as an elector for the Bengal (European) The European Constituency. constituency who is a European and has a place of residence in the constituency and who during and in respect of the previous year has paid on his own account and in his own name income-tax on an income of not less than Rs. 12,000.

*Special Constituencies.*

7. A person shall be qualified as an elector for the Bengal Landholders' The Landholders' Constituency. constituency who has a place of residence in the constituency and who during the previous year—

(a) in the Burdwan Division or the Presidency Division held in his own right, as a proprietor, one or more estates or shares of estates and paid in respect thereof land revenue amounting to not less than Rs. 6,000, or road and public works cesses amounting to not less than Rs. 1,500, or



- (b) in the Dacca or the Rajshahi or the Chittagong Division held in his own right, as a proprietor, one or more estates or shares of estates, or one or more permanent tenures or shares of such tenures held direct from such a proprietor, and paid in respect thereof land revenue amounting to not less than Rs. 4,000, or road and public works cesses amounting to not less than Rs. 1,000.

Determination of qualifications.

8. In determining the qualification of a landholder as an elector—

- (a) only such estates and shares of estates, and only such permanent tenures and shares of permanent tenures, as are not within the district of Darjeeling or the Chittagong Hill Tracts shall be taken into account;
- (b) only such estates and shares of estates, as are held by him in his own right and not in a fiduciary capacity and are registered in his own name in the registers maintained under the Land Registration Act, 1876, shall be taken into account;
- (c) only such permanent tenures and shares of permanent tenures as are held by him (as owner) in his own right, and not in a fiduciary capacity shall be taken into account;
- (d) only land revenue or road and public works cesses payable in respect of his own personal share shall be taken into account;
- (e) if the amount of land revenue or road and public works cesses paid by a landholder in respect of any share of an estate or permanent tenure is not definitely known, the District Officer of the district in which such estate or tenure is situated shall estimate the amount paid in respect of such share, and his decision shall be final.

*Explanation.*—A *mutwalli* or manager of a *wakf* estate shall be deemed to hold such estate in his own right, but a trustee or manager of an estate other than a *wakf* estate shall not be so deemed.

9. Members of the Bengal National Chamber of Commerce and of the Marwari Association and of the Bengal Mahajan Sabha shall be qualified as electors respectively for the constituency comprising the Chamber, Association or Sabha of which they are members.

*Explanation.*—For the purposes of this paragraph “member” includes any person entitled to exercise the rights and privileges of membership on behalf and in the name of any firm, company or corporation registered as a member.

### SCHEDULE III.

(See rule XIV.)

#### *Return of Election expenses.*

1. Under the head of receipts there shall be shown the name and description of every person (including the candidate), club, society or association from whom any money, security or equivalent of money was received in respect of expenses incurred on account of, or in connection with, or incidental to, the election, and the amount received from each person, club, society or association separately.

2. Under the head of expenditure, there shall be shown—

- (a) the personal expenditure of the candidate incurred or paid by him or his election agent, including travelling and all other personal expenses incurred in connection with his candidature;
- (b) the name, and the rate and total amount of the pay, of each person employed as an agent, clerk, or messenger;
- (c) the travelling expenses and any other expenses incurred by the candidate or his election agent on account of agents, clerks or messengers;

(d) the travelling expenses of persons, whether in receipt of salary or not, incurred in connection with the candidature, and whether paid or incurred by the candidate, his election agent or the person so travelling;

(e) the cost whether paid or incurred of—

- (i) printing,
- (ii) advertising,
- (iii) stationery,
- (iv) postage,
- (v) telegrams, and
- (vi) rooms hired either for public meetings or as committee rooms;

(f) any other miscellaneous expenses whether paid or incurred.

NOTE.—(1) All expenses incurred in connection with the candidature whether paid by the candidate, his election agent, or any other person, or remaining unpaid on the date of the return are to be set out.

(2) For all items of Rs. 5 and over, unless from the nature of the case (*e.g.*, travel by rail or postage) a receipt is not obtainable, vouchers are to be attached.

(3) All sums paid but for which no receipt is attached are to be set out in detail with dates of payment.

(4) All sums unpaid are to be set out in a separate list.

3. The form of affidavit referred to in rule XIV shall be as follows:—

*Affidavit.*

I \_\_\_\_\_ being the appointed election agent for \_\_\_\_\_ a candidate for election in the \_\_\_\_\_ constituency (or I \_\_\_\_\_ being a candidate for election in the \_\_\_\_\_ constituency), do hereby solemnly affirm that the above return of election expenses is true to the best of my knowledge and belief, and that, except the expenses herein set forth, no expenses of any nature whatsoever have to my knowledge and belief been incurred in, and for the purpose of, \_\_\_\_\_  
my candidature.

(Sd.)

*Agent or candidate.*

*Solemnly affirmed before me.*

*(Magistrate.)*

SCHEDULE IV.

[See rules III (3), V (2) and XVI (3).]

The following shall be deemed to be corrupt practices for the purposes of these rules:—

PART I.

1. A gift, offer or promise by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, of any gratifications to any person whomsoever, with the object, directly or indirectly, of inducing—

(a) a person to stand or not to stand as, or to withdraw from being, a candidate,

(b) an elector to vote or refrain from voting at an election, or as reward to—

(a) a person for having so stood or not stood or for having withdrawn his candidature, or

(b) an elector for having voted or refrained from voting.

*Explanation.*—For the purpose of this clause the term “gratification” is not restricted to pecuniary gratifications or gratifications estimable in money, and includes all forms of entertainment and all forms of employment for reward; but it does not include the payment of any expenses *bona fide* incurred at or for the purposes of any election, and duly entered in the return of election expenses required by the rules.

2. (1) The voluntary interference or attempted interference by a candidate or his agent or any other persons with the connivance of the candidate or his agent with the free exercise of the right of any person to stand or not to stand as, or to

Undue influence.



withdraw from being, a candidate or to vote or refrain from voting at an election.

(2) A threat of injury to any person or to any person in whom that person is interested or the inducement or attempted inducement of any person to believe that he or any person in whom he is interested will become or will be rendered the object of Divine displeasure or of spiritual censure, shall be deemed to be interference within the meaning of this paragraph:

Provided that a declaration of public policy or promise of public action shall not be deemed to be interference.

3. The procuring or abetting or attempting to procure by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, the application by a person for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or by a person who has voted once at an election for a voting paper in his own name at the same election.

4. The publication by a candidate or his agent, or by any other person with the connivance of the candidate or his agent, of any statement of fact which is false and which he either believes to be false or does not believe to be true in relation to the personal character or conduct of any candidate or in relation to the candidature or withdrawal of any candidate, which statement is reasonably calculated to prejudice such candidate's election.

## PART II.

1. Any act specified in Part I, when done by a person who is not a candidate or his agent or person acting with the connivance of a candidate or his agent.

Acts under Part I.

2. The application by a person at an election for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or for a voting paper in his own name after he has already voted at such election.

Personation.

3. The receipt of, or agreement to, receive any gratification, whether as a motive or a reward—

Bribery.

(a) by a person to stand or not to stand as or to withdraw from being a candidate; or

(b) by any person whomsoever for himself or any other person for voting or refraining from voting, or for inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw his candidature.

4. Any payment or promise of payment to any person whomsoever on account of the conveyance of any elector to or from any place for the purpose of recording his vote.

Payment for conveyance.

5. The hiring, employment, borrowing, or using for the purposes of the election of any boat, vehicle or animal usually kept for letting on hire or for the conveyance of passengers by hire.

Hiring and use of public conveyances.

Provided that any elector may hire any boat, vehicle or animal, or use any boat, vehicle or animal which is his own property to convey himself to or from the place where the vote is recorded.

6. The incurring or authorisation of expenses by any person other than a candidate or his election agent on account of holding any public meeting or upon any advertisement, circular or publication or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, unless he is authorised in writing so to do by the candidate.

Incurring expense without authority.

7. The hiring, using or letting as a committee-room or for the purpose of any meeting to which electors are admitted, of any building, room or other place where intoxicating liquor is sold to the public.

Hiring of liquor shops.

8. The issuing of any circular, placard or poster having reference to the election which does not bear on its face the name and address of the printer and publisher thereof.

Issue of circulars, etc., without printer's and publisher's name printed thereon.

Composition of Council of State.

## I. The Council of State shall consist of—

- (1) thirty-three elected members, and
- (2) twenty-seven members nominated by the Governor-General, of whom not more than twenty may be officials, and one shall be a person nominated as the result of an election held in Berar.

*Elected Members.*

II. The elected members shall be elected by the constituencies specified in Schedule I to these rules, subject to the provisions of that Schedule in regard to constituencies entitled to elect in rotation, and the number of members to be elected by each constituency shall be as stated therein against that constituency.

III. (1) A person shall not be eligible for election as a member of the Council of State if such person—

General disqualifications for being elected.

- (a) is not a British subject ; or
- (b) is a female ; or
- (c) is already a member of any legislative body constituted under the Act ; or
- (d) having been a legal practitioner has been dismissed or is under suspension from practising as such by order of any competent court ; or
- (e) has been adjudged by a competent court to be of unsound mind ; or
- (f) is under 25 years of age ; or
- (g) is an undischarged insolvent ; or
- (h) being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part ;

Provided that, if the Ruler of a State in India or any subject of such a State is not ineligible for election to the Legislative Council of a province, such Ruler or subject shall not by reason of not being a British subject be ineligible for election to the Council of State by any constituency in that province :

Provided further that the disqualification mentioned in clause (d) may be removed by an order of the Governor-General in Council in this behalf.

(2) A person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for a period of more than six months is subsisting shall, unless the offence of which he was convicted has been pardoned, not be eligible for election for five years from the date of the expiration of the sentence.

(3) A person who has been convicted of an offence under Chapter IX-A of the Indian Penal Code punishable with imprisonment for a term exceeding six months or has been reported by Commissioners holding an election inquiry as guilty of a corrupt practice as specified in Part I, or in paragraph 1, 2 or 3 of Part II, of Schedule IV to these rules, shall not be eligible for election for five years from the date of such conviction or of the finding of the Commissioners, as the case may be, and a person reported by such Commissioners to be guilty of any other corrupt practice shall be similarly disqualified for three years from such date.

(4) A person who having been a candidate or an election agent at an election has failed to lodge the return of election expenses hereinafter prescribed or has lodged a return which is found either by Commissioners holding an election inquiry or by a Magistrate in a judicial proceeding to be



false in any material particular shall be disqualified for five years from the date of the election from being nominated as a candidate at any other election :

Provided that either of the disqualifications mentioned in sub-rules (3) and (4) of this rule may be removed by an order of the Governor-General in Council in that behalf.

Special qualifications for election in case of constituencies.

IV. (1) A person shall not be eligible for election as a Member of the Council of State to represent—

- (a) a general constituency in the presidency of Bengal, unless his name is registered on the electoral roll of the constituency or of another constituency of the same communal description situate in the presidency ; or
  - (b) a general constituency in the United Provinces of Agra and Oudh or in the province of Bihar and Orissa or in the province of Assam, unless his name is registered on the electoral roll of the constituency or of another general constituency in the same province ; or
  - (c) a general constituency in the presidency of Madras or in the presidency of Bombay or in the Punjab or in the Central Provinces or in the province of Burma or any special constituency, unless his name is registered on the electoral roll of the constituency.
- (2) For the purposes of these rules—
- (a) “general constituency” means any constituency which is not a special constituency ; and
  - (b) “special constituency” means a European Commerce constituency.

*The right to elect.*

V. (1) Every person shall be entitled to have his name registered on the electoral roll of a constituency who has the qualifications prescribed for an elector of that constituency and who is not subject to any of the disqualifications hereinafter set out, namely :—

- (a) is not a British subject ; or
- (b) is a female ; or
- (c) has been adjudged by a competent court to be of unsound mind ; or
- (d) is under 21 years of age :

Provided that, if the Ruler of a State in India or any subject of such a State is not disqualified for registration on the electoral roll of a constituency of the Legislative Council of a province, such Ruler or subject shall not by reason of not being a British subject be disqualified for registration on the electoral roll of any constituency of the Council of State in that province :

Provided further that, if a resolution is passed by the Council of State recommending that the sex disqualification for registration should be removed either in respect of women generally or any class of women, the Governor-General in Council shall make regulations providing that women or a class of women, as the case may be, shall not be disqualified for registration by reason only of their sex :

Provided further that no person shall be entitled to have his name registered on the electoral roll of more than one general constituency.

(2) If any person is convicted of an offence under Chapter IX-A of the Indian Penal Code punishable with imprisonment for a term exceeding six months or is reported by Commissioners holding an election inquiry as guilty of a corrupt practice as specified in Part I, or in paragraphs 1, 2 or 3

of Part II, of Schedule IV to these rules, his name, if on the electoral roll, shall be removed therefrom and shall not be registered thereon for a period of five years from the date of the conviction or the report, as the case may be, or, if not on the electoral roll, shall not be so registered for a like period; and if any person is reported by such Commissioners as guilty of any other corrupt practice as specified in the said Schedule, his name, if on the electoral roll, shall be removed therefrom and shall not be registered thereon for a period of three years from the date of the report or, if not on the electoral roll, shall not be registered for a like period:

Provided that the Governor-General in Council may direct that the name of any person to whom this sub-rule applies shall be registered on the electoral roll.

Qualifications of electors.

based on—

VI. (1) The qualifications of an elector for a general constituency shall be such qualifications

- (i) residence, or residence and community, and
- (ii) (a) the holding of land, or
  - (b) assessment to or payment of income-tax, or
  - (c) past or present membership of a legislative body, or
  - (d) past or present tenure of office on a local authority, or
  - (e) past or present university distinction, or
  - (f) the tenure of office in a co-operative banking society, or
  - (g) the holding of a title conferred for literary merit,

as are specified in Schedule II to these rules in the case of that constituency.

(2) The qualifications of an elector for a special constituency shall be the qualifications specified in Schedule II to these rules in the case of that constituency.

VII. (1) An electoral roll shall be prepared for every constituency, on which shall be entered the names of all persons appearing to be entitled to be registered as electors for that constituency. It shall be published in the constituency together with a notice specifying the mode in which and the time within which any person whose name is not entered in the roll and who claims to have it inserted therein, or any person whose name is on the roll and who objects to the inclusion of his own name or of the name of any other person on the roll, may prefer a claim or objection to the Revising Authority.

Electoral roll.

(2) The regulations for the time being in force in any province for the purpose of elections to the Legislative Council of that province in regard to the following matters, namely,—

- (1) the authority by whom the electoral roll shall be prepared and the particulars to be contained in the roll,
- (2) the time at which the roll shall be prepared,
- (3) the publication of the roll in the constituency to which it relates,
- (4) the mode in which and the time within which claims and objections may be preferred,
- (5) the constitution and appointment of Revising Authorities to dispose of claims and objections,
- (6) the manner in which notices of claims or objections shall be published,
- (7) the place, date, and time at which and the manner in which claims or objections shall be heard,

shall apply for the purpose of the holding of elections within that province to the Council of State:

Provided that the Governor-General in Council may, by notification in the *Gazette of India*, direct that such modifications and adaptations as he may specify shall be made in the application of those regulations.



(3) The orders made by the Revising Authority shall be final, and the electoral roll shall be amended in accordance therewith and shall, as so amended, be republished in the case of each province in such manner as may be prescribed by the regulations aforesaid for the republication of electoral rolls of constituencies of the Legislative Council.

(4) The electoral roll shall come into force from the date of such republication, and shall continue in force for a period of three years or for such less period as the Governor-General in Council may by regulation prescribe, and after the expiration of such period a fresh roll shall be prepared in accordance with these rules.

(5) If a constituency is called upon to elect a member or members after an electoral roll has ceased to have force and before the completion of the new electoral roll, the old electoral roll shall for the purposes of that election continue to operate as the electoral roll for the constituency.

VIII. Every person registered on the electoral roll for the time being in force for any constituency shall, while so registered, be entitled to vote at an election of a member or members for that constituency: provided that no person shall vote in more than one general constituency.

Right to vote.

IX. (1) Any person may be nominated as a candidate for election in any constituency for which he is eligible for election under these rules.

Nomination of candidates.

(2) On or before the date on which a candidate is nominated, the candidate shall make in writing and sign a declaration appointing either himself or some other person who is not disqualified under these rules for the appointment to be his election agent, and no candidate shall be deemed to be duly nominated unless such declaration has been made.

(3) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be renominated as a candidate for the same election.

X. (1) If the number of candidates who are duly nominated and who have not withdrawn their candidature before such time as the Governor-General in Council may fix in this behalf exceeds that of the vacancies, a poll shall be taken.

Election.

(2) If the number of such candidates is equal to the number of vacancies, all such candidates shall be declared to be duly elected.

(3) If the number of such candidates is less than the number of vacancies, all such candidates shall be declared to be elected, and the Governor-General shall, by a notification in the *Gazette of India*, call for fresh nominations for the remaining vacancies, and if any such are received shall call upon the constituencies concerned to elect members to fill these vacancies.

(4) Votes shall be given by ballot and in general constituencies in person. No votes shall be received by proxy.

(5) In plural-member constituencies every elector shall have as many votes as there are members to be elected: provided that no elector shall give more than one vote to any one candidate except in the case of the Bombay (non-Muhammadan) constituency, in which constituency an elector may accumulate all his votes on any one candidate or may distribute them among the candidates as he pleases.

(6) Votes shall be counted by the Returning Officer, and any candidate, or, in the absence of the candidate, a representative duly authorised by him in writing, shall have a right to be present at the time of counting.

(7) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates, as the case may be, to whom the largest number of votes has been given to be elected.

(8) Where an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared

elected, the determination of the person or persons to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

(9) The Returning Officer shall without delay report the result of the election to the Secretary to the Government of India in the Legislative Department, and the name or names of the candidate or candidates elected shall be published in the *Gazette of India*.

XI. The regulations for the time being in force in any province for the purpose of elections to the Legislative Council of that province in regard to the following matters, namely,—

Regulations regarding the conduct of elections.

- (1) the form and manner in, and the conditions on, which nominations may be made, and for the scrutiny of nominations,
- (2) the appointment of a Returning Officer for each constituency and for his powers and duties,
- (3) the division of general constituencies into polling areas and the appointment of polling stations for these areas,
- (4) the appointment of officers to preside at polling stations, and the duties of such officers,
- (5) the checking of voters by reference to the electoral roll,
- (6) the manner in which votes are to be given, both generally and in the case of illiterate voters or voters under physical or other disability,
- (7) the procedure to be followed in respect of tender of votes by persons representing themselves to be electors after other persons have voted as such electors,
- (8) the scrutiny of votes,
- (9) the safe custody of ballot papers and other election papers, the period for which such papers shall be preserved, and the inspection and production of such papers, and
- (10) the conduct of elections generally,

shall apply for the purpose of the holding of elections within that province to the Council of State:

Provided that the Governor-General in Council may, by notification in the *Gazette of India*, direct that such modifications and adaptations as he may specify shall be made in the application of those regulations.

XII. (1) If any person is elected by more than one constituency, he shall, by notice in writing signed by him and delivered to the Secretary to the Government of India in the Legislative Department within seven days from the date of the publication of the result of such election in the *Gazette of India*, choose for which of these constituencies he shall serve, and the choice shall be conclusive.

Multiple elections.

(2) When any such choice has been made, the Governor-General shall call upon any constituency or constituencies for which such person has not chosen to serve to elect another person or persons.

(3) If the candidate does not make the choice referred to in sub-rule (1) of this rule the elections of such person shall be void and the Governor-General shall call upon the constituency or constituencies concerned to elect another person or persons.

#### *Election agents and expenses.*

XIII. No person shall be appointed an election agent who is himself ineligible for election as being subject to the disqualification mentioned in sub-rule (3) of rule III.

Disqualification for being an election agent.



XIV. (1) Within one month or such longer period as the Governor-General may allow after the date of the declaration of the result of the election every candidate, either personally or through his election agent, shall cause to be lodged, with the Returning Officer a return of his election expenses containing the particulars specified in Schedule III to these rules.

*Return of election expenses.*

(2) Every such return shall contain a statement of all payments made by the candidate or by his election agent or by any persons on behalf of the candidate or in his interests for expenses incurred on account of or in respect of the conduct and management of the election, and further a statement of all unpaid claims in respect of such expenses of which he or his election agent is aware.

(3) The return shall be accompanied by declarations by the candidate and his election agent which shall be in the form contained in the said Schedule and shall be made on oath or affirmation before a Magistrate.

(4) The Governor-General in Council shall cause to be prepared in such manner, and maintained for such time, as he may direct, a record showing the names of all candidates at every election under these rules and the date on which the return of election expenses of each candidate has been lodged with the Returning Officer.

XV. Every election agent shall keep regular books of account in which the particulars of all expenditure of the nature referred to in rule XIV shall be entered, whether such expenditure is incurred by the candidate or by the election agent or by any person under the direction of the candidate or the election agent.

*Accounts of agents.*

#### *Nominated Members.*

XVI. (1) Save as expressly provided in these rules in regard to the nomination of a person elected in Berar, no person shall be nominated to the Council of State who—

*General disqualifications for nomination.*

- (a) is not a British subject; or
- (b) is a female; or
- (c) is already a member of any legislative body constituted under the Act; or
- (d) having been a legal practitioner has been dismissed or is under suspension from practising as such by order of any competent court; or
- (e) has been adjudged by a competent court to be of unsound mind; or
- (f) is under 25 years of age; or
- (g) is an undischarged insolvent; or
- (h) being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part:

Provided that if the Ruler of a State in India or any subject of such a State is not disqualified for nomination to the Legislative Council of a province, such Ruler or subject shall not by reason of not being a British subject be disqualified for nomination to the Council of State to represent that province:

Provided further that the disqualification mentioned in clause (d) may be removed by an order of the Governor-General in Council in this behalf.

(2) A person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for a period of more than six months is subsisting shall, unless the offence of which he was convicted has been pardoned, not be eligible for nomination for five years from the date of the expiration of the sentence.

(3) A person who has been convicted of an offence under Chapter IX-A of the Indian Penal Code punishable with imprisonment for a term exceeding six months or has been reported by Commissioners holding an election inquiry as guilty of a corrupt practice as specified in Part I, or in paragraph 1, 2 or 3 of Part II, of Schedule IV to these rules, shall not be eligible for nomination for five years from the date of such conviction or of the finding of the Commissioners, as the case may be; and a person reported by such Commissioners to be guilty of any other corrupt practice shall be similarly disqualified for three years from such date.

(4) A person who having been a candidate or an election agent at an election has failed to lodge the return of election expenses prescribed in these rules or has lodged a return which is found either by Commissioners holding an inquiry or by a Magistrate in a judicial proceeding to be false in any material particular shall not be eligible for nomination for five years from the date of the election :

Provided that either of the disqualifications mentioned in sub-rules (3) and (4) of this rule may be removed by an order of the Governor-General in Council in that behalf.

XVII. (1) A nominated non-official member shall hold office for the duration of the Council of State to which he is nominated.  
Term of office of nominated member.

(2) Official members shall hold office for the duration of the Council of State to which they are nominated or for such shorter period as the Governor-General may, at the time of nomination, determine.

#### *Obligation to take oath.*

XVIII. Every person who is elected or nominated to be a member of the Council of State shall before taking his seat make at a meeting of the Council of State an oath or affirmation of his allegiance to the Crown in the following form, namely :—  
Taking of oath.

I, A. B. having been <sup>elected</sup>/<sub>nominated</sub> a member of this Council do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Majesty the King-Emperor of India, his heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter.

#### *Vacation of seat.*

XIX. If any person having been elected or nominated subsequently becomes subject to any of the disabilities stated in clauses (a), (d), (e), (g) and (h) of sub-rule (1) or in sub-rules (2), (3) and (4) of rule III or of rule XVI, as the case may be, or fails to make the oath or affirmation prescribed by rule XVIII within such time as the Governor-General considers reasonable, the Governor-General shall, by notification in the *Gazette of India*, declare his seat to be vacant.  
Effect of subsequent disabilities or failure to take oath.

XX. (1) When a vacancy occurs in the case of an elected member by reason of his election being declared void or his seat being declared vacant, or by reason of absence from India, inability to attend to duty, death, acceptance of office or resignation duly accepted, the Governor-General shall, by notification in the *Gazette of India*, call upon the constituency concerned to elect a person for the purpose of filling the vacancy within such time as may be prescribed by such notification.  
Vacancies.

(2) If a vacancy occurs in the case of a nominated member, the Governor-General shall nominate to the vacancy a person having the necessary qualification under these rules.

#### *First constitution of the Council of State.*

XXI. (1) As soon as conveniently may be after these rules come into force, a Council of State shall be constituted in accordance with their provisions.  
Constitution of Council of State.



(2) For this purpose the Governor-General shall, by notification in the *Gazette of India*, call upon the constituencies referred to in rule II to elect members in accordance with these rules within such time as may be prescribed by such notification, and shall make such nominations as may be necessary to complete the Council of State before the date fixed for its first meeting.

(3) If any difficulty arises as to the preparation or publication of the first electoral roll or the holding of the first elections after the commencement of these rules, the Governor-General in Council may by order do any matter or thing which appears to him necessary for the proper preparation or publication of the roll or for the proper holding of the elections.

#### General elections.

XXII. (1) On the expiration of the duration of a Council of State or on its dissolution, a general election shall be held in order that a new Council of State may be constituted.

(2) On such expiration or dissolution, the Governor-General shall, by notification in the *Gazette of India*, call upon the constituencies referred to in rule II to elect members in accordance with these rules within such time after the date of expiration or dissolution as may be prescribed by such notification:

Provided that, if the Governor-General thinks fit, such notification may be issued at any time not being more than three months prior to the date on which the duration of the Council of State would expire in the ordinary course of events.

(3) Before the date fixed for the first meeting of the Council of State, the Governor-General shall make such nominations as may be necessary to complete the Council of State.

XXIII. As soon as may be after the expiration of the time fixed for the election of members at any general election, the names of the members elected for the various constituencies at such election shall be notified in the *Gazette of India*.

#### SCHEDULE I.

(See rule II.)

##### I.—List of constituencies entitled to representation in every Council of State.

Province.	Name of Constituency.	Class of Constituency	Extent of Constituency.	No. of Members
Bengal	... East Bengal (non-Muhammadan).	Non-Muhammadan.	The Dacca, Rajshahi, and Chittagong Divisions excluding the Darjeeling District and the Chittagong Hill Tracts.	1
Ditto	... West Bengal (Non-Muhammadan).	Ditto	... The Presidency and Burdwan Divisions.	2
Ditto	... East Bengal (Muhammadan).	Muhammadan	... The Dacca, Rajshahi and Chittagong Divisions excluding the Darjeeling District and the Chittagong Hill Tracts.	1
Ditto	... West Bengal (Muhammadan).	Ditto	... The Presidency and Burdwan Divisions.	1
Ditto	... Bengal Chamber of Commerce.	European Commerce.	Com- (Non-territorial) ...	1

## PART III.—BENGAL.

Definition.

1. For the purposes of this Part—

“previous year” means the financial year preceding that in which the electoral roll for the time being under preparation is first published under these rules.

2. Where property is held or payments are made jointly by the members of a joint family, the family shall be

Joint families.

this Part the requisite qualification exists; and, if it does exist, the person qualified shall be the manager of the family.

3. In determining any claim to a qualification by a person by virtue of the payment of land revenue or road and public works cesses—

Determination of qualification.

(a) only such estates and shares of estates and only such permanent tenures and shares of permanent tenures as are not within the district of Darjeeling or the Chittagong Hill Tracts shall be taken into account;

(b) only such estates and shares of estates as are held by him in his own right and not in a fiduciary capacity and are registered in his own name in the registers maintained under the Land Registration Act, 1876, shall be taken into account;

(c) only such permanent tenures and shares of permanent tenures as are held by him in his own right and not in a fiduciary capacity shall be taken into account;

(d) only such land revenue or road and public works cesses as is payable in respect of his own personal share shall be taken into account;

(e) if the amount of land revenue or road and public works cesses paid in respect of any share of an estate or permanent tenure is not definitely known, the district officer of the district in which such estate or tenure is situated shall estimate the amount paid in respect of such share, and his decision shall be final.

*Explanation.*—For the purposes of this paragraph a *mutwalli* or manager of a *wakf* estate shall be deemed to hold such estate in his own right, but a trustee or manager of an estate other than a *wakf* estate shall not be so deemed.

*General Constituencies.*

4. A person shall be qualified as an elector for a non-Muhammadan constituency who is neither a Muhammadan nor a European and who has a place of residence within the constituency, and who—

Non-Muhammadan constituencies.

(a) (i) in the Burdwan Division or Presidency Division, held in his own right during the previous year as a proprietor one or more estates or shares of estates and paid in respect thereof land revenue amounting to not less than Rs. 7,500, or road and public works cesses amounting to not less than Rs. 1,875; or

(ii) in the Dacca, the Rajshahi, or the Chittagong Division held in his own right during the previous year as a proprietor one or more estates or shares of estates, or one or more permanent tenures or shares of such tenures held direct from such proprietor, and paid in respect thereof land revenue amounting to not less than Rs. 5,000 or road and public works cesses amounting to not less than Rs. 1,250; or

(b) was during the previous year assessed on his own account and in his own name to income-tax on an income of not less than Rs. 12,000; or



- (c) is or has been a non-official member of either chamber of the Indian Legislature or has been a non-official member of the Indian Legislative Council as constituted under the Government of India Act, 1915, or any Act repealed thereby, or is or has been at any time a non-official member of the Bengal Legislative Council; or
- (d) is or has been the non-official chairman or is the non-official vice-chairman or deputy chairman of the Corporation of Calcutta, or is or has been the non-official chairman or is the non-official vice-chairman of a municipality constituted under the Bengal Municipal Act, 1884, or of a district board established under the Bengal Local Self-Government Act, 1885; or
- (e) is or has been a member of the Senate or a Fellow or an Honorary Fellow of any University constituted by law in British India; or
- (f) is the non-official chairman, deputy chairman or vice-chairman of any co-operative central bank or union or provincial co-operative federation, which is a registered society within the meaning of section 2 of the Co-operative Societies Act, 1912; or
- (g) is recognised by the Government as the holder of the title of Mahamahopadhyaya.

5. A person shall be qualified as an elector for a Muhammadan constituency who is a Muhammadan and has a place of residence within the constituency and who—

- (a) held in his own right during the previous year as a proprietor or a permanent tenure-holder one or more estates or shares of estates or one or more permanent tenures or shares of such tenures held direct from such proprietor, and paid in respect thereof land revenue amounting to not less than Rs. 600 or road and public works cesses amounting to not less than Rs. 125; or
- (b) was during the previous year assessed on his own account and in his own name to income-tax on an income of not less than Rs. 6,000; or
- (c) has any of the qualifications specified in clauses (c) (d), (e) and (f) of paragraph 4 of this Part; or
- (d) is recognised by the Government as the holder of the title of Shams-ul-Ulama.

6. A person shall be qualified as an elector for the Bengal Chamber of Commerce constituency who has a place of residence in India and is a Chamber member of that Chamber or a person entitled to exercise the rights and privileges of Chamber-membership on behalf of and in the name of any firm, company or other corporation.

### SCHEDULE III.

(See rule XIV.)

#### *Return of Election Expenses.*

1. Under the head of receipts there shall be shown the name and description of every person (including the candidate), club, society or association from whom any money, security or equivalent of money was received in respect of expenses incurred on account of, or in connection with or incidental to, the election, and the amount received from each person, club, society or association separately.

2. Under the head of expenditure, there shall be shown—

- (a) the personal expenditure of the candidate incurred or paid by him or his election agent, including travelling and all other personal expenses incurred in connection with his candidature;
- (b) the name and the rate and total amount of the pay, of each person employed as an agent, clerk or messenger;
- (c) the travelling expenses and any other expenses incurred by the candidate or his election agent on account of agents, clerks or messengers;
- (d) the travelling expenses of persons, whether in receipt of salary or not, incurred in connection with the candidature, and whether paid or incurred by the candidate, his election agent or the person so travelling;
- (e) the cost whether paid or incurred of—
  - (i) printing,
  - (ii) advertising,
  - (iii) stationery,
  - (iv) postage,
  - (v) telegrams, and
  - (vi) rooms hired either for public meetings or as committee-rooms;
- (f) any other miscellaneous expenses whether paid or incurred.

NOTE.—(1) All expenses incurred in connection with the candidature whether paid by the candidate, his election agent, or any other person, or remaining unpaid on the date of the return are to be set out.

(2) For all items of Rs. 5 and over, unless from the nature of the case (*e.g.*, travel by rail or postage) a receipt is not obtainable, vouchers are to be attached.

(3) All sums paid but for which no receipt is attached are to be set out in detail with dates of payment.

(4) All sums unpaid are to be set out in a separate list.

3. The form of affidavit referred to in rule XIV shall be as follows :—

*Affidavit.*

I                      being the appointed election agent for                      a candidate for election in the                      constituency (or I                      being a candidate for election in the                      constituency), do hereby solemnly affirm that the above return of election expenses is true to the best of my knowledge and belief, and that, except the expenses herein set forth, no expenses of any nature whatsoever have to my knowledge and belief been incurred in, and for the purposes of,                      <sup>'s candidature</sup>                      <sub>my candidature</sub>

(Sd.)

*Agent or candidate.*

*Solemnly affirmed before me.*

(Magistrate)



## SCHEDULE IV.

[See rules III (3), V (2) and XVI (3).]

The following shall be deemed to be corrupt practices for the purposes of these rules :—

## PART I

1. A gift, offer or promise by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, of any gratifications to any person whomsoever, with the object, directly or indirectly, of inducing—

Bribery.

(a) a person to stand or not to stand as, or to withdraw from being, a candidate,

(b) an elector to vote or refrain from voting at an election,

or as a reward to—

(a) a person for having so stood or not stood or for having withdrawn his candidature, or

(b) an elector for having voted or refrained from voting.

*Explanation.*—For the purpose of this clause the term “ gratification ” is not restricted to pecuniary gratifications or gratifications estimable in money, and includes all forms of entertainment and all forms of employment for reward ; but it does not include the payment of any expenses *bonâ fide* incurred at or for the purposes of any election, and duly entered in the return of election expenses required by the rules.

2. (1) The voluntary interference or attempted interference by a candidate or his agent or any other person with the connivance of the candidate or his agent with the free exercise of the right of any person to stand or not to stand as, or to withdraw from being, a candidate or to vote or refrain from voting at an election.

Undue influence.

(2) A threat of injury to any person or to any person in whom that person is interested or the inducement or attempted inducement of any person to believe that he or any person in whom he is interested will become or will be rendered the object of Divine displeasure or of spiritual censure, shall be deemed to be interference within the meaning of this paragraph :

Provided that a declaration of public policy or promise of public action shall not be deemed to be interference.

3. The procuring or abetting or attempting to procure by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, the application by a person for a voting paper in the name of any other person, whether living or dead or in a fictitious name, or by a person who has voted once at an election for a voting paper in his own name at the same election.

Personation.

4. The publication by a candidate or his agent, or by any other person with the connivance of the candidate or his agent, of any statement of fact which is false and which he either believes to be false or does not believe to be true in relation to the personal character or conduct of any candidate or in relation to the candidature or withdrawal of any candidate, which statement is reasonably calculated to prejudice such candidate's election.

Publication of false statements.

## PART II.

1. Any act specified in Part I, when done by a person who is not a candidate or his agent or person acting with the connivance of a candidate or his agent.

Acts under Part I.

2. The application by a person at an election for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or for a voting paper in his own name after he has already voted at such election.

Personation.

Bribery

3. The receipt of, or agreement to, receive any gratification, whether as a motive or a reward—

(a) by a person to stand or not to stand as, or to withdraw from being, a candidate; or

(b) by any person whomsoever for himself or any other person for voting or refraining from voting, or for inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw his candidature.

4. Any payment or promise of payment to any person whomsoever on account of the conveyance of any elector to or from any place for the purpose of recording his vote.

Payment for conveyance.

5. The hiring, employment, borrowing or using for the purposes of the election of any boat, vehicle or animal usually kept for letting on hire or for the conveyance of passengers by hire:

Hiring and use of public conveyances.

Provided that any elector may hire any boat, vehicle or animal, or use any boat, vehicle or animal which is his own property to convey himself to or from the place where the vote is recorded.

6. The incurring or authorisation of expenses by any person other than a candidate or his election agent on account of holding any public meeting or upon any advertisement, circular or publication or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, unless he is authorised in writing so to do by the candidate.

Incurring expense without authority.

7. The hiring, using or letting as a committee-room or for the purpose of any meeting to which electors are admitted, of any building, room or other place where intoxicating liquor is sold to the public.

Hiring of liquor shops.

8. The issuing of any circular, placard or poster having reference to the election which does not bear on its face the name and address of the printer and publisher thereof.

Issue of circulars, etc., without printer's and publisher's name printed thereon.

*Rules for the final decision of doubts and disputes as to the validity of an election to the Council of State and the Indian Legislative Assembly.*

Definitions.

In these rules, unless there is anything repugnant in the subject or context,—

(a) "agent" includes an election agent and any person who is held by Commissioners to have acted as an agent in connection with an election with the knowledge or consent of the candidate;



(b) "candidate" means a person who has been nominated as a candidate at any election or who claims that he has been so nominated, or that his nomination has been improperly refused, and includes a person who, when an election is in contemplation, holds himself out as a prospective candidate at such election, provided that he is subsequently nominated as a candidate at such election; and

(c) "returned candidate" means a candidate whose name has been published under the rules as duly elected.

1. No election shall be called in question, except by an election petition presented in accordance with the following rules.

The election petition.

2. An election petition may be presented to the Governor-General by any candidate or elector against any returned candidate within fourteen days after the result of the election has been published in the manner provided in the rules.

Its presentation.

3. The petition shall contain a statement in concise form of the material facts on which the petitioner relies and the particulars of any corrupt practice which he alleges, and shall, where necessary, be divided into paragraphs numbered consecutively. It shall be signed by the petitioner and verified in the manner prescribed for the verification of pleadings in the Code of Civil Procedure.

Its contents.

4. The petitioner may, if he so desires, in addition to calling in question the election of the returned candidate, claim a declaration that he himself or any other candidate has been duly elected; in which case he shall join as respondents to his petition all other candidates who were nominated at the election.

Against whom it may be presented.

5. At the time of presentation of the petition, the petitioner shall deposit with it the sum of one thousand rupees in cash or in Government promissory notes of equal value at the market rate of the day as security for the cost of the same.

Deposit of security.

6. (1) If the provisions of rule 5 are not complied with, the Governor-General shall dismiss the petition.

Dismissal for default.

(2) Upon compliance with the provisions of rule 5—

Appointment of Commissioners.

(a) the Governor-General shall appoint as Commissioners for the trial of the petition three persons who are or are eligible to be appointed Judges of a High Court within the meaning of section 101(3) of the Government of India Act, and shall appoint one of them to be the President, and thereafter all applications and proceedings in connection therewith shall be dealt with and held by such Commissioners;

(b) the President of the Commission so constituted, shall, as soon as may be, cause a copy of the petition to be served on each respondent and to be published in the *Gazette of India* and may call on the petitioner to execute a bond in such amount and with such sureties as he may require for the payment of any further costs. At any time within fourteen days after such publication, any other candidate shall be entitled to be joined as a respondent on giving security in a like amount and procuring the execution of a like bond.

(3) When in respect of an election in a constituency more petitions than one are presented, the Governor-General shall refer all such petitions to the same Commissioners, who may at their discretion inquire into the petitions either in one or in more proceedings as they shall think fit.

7. Every election petition shall be inquired into by the Commissioners as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure, to the trial of suits, provided that it shall only be necessary for the Commissioners to make a memorandum of the substance of the evidence of any witness examined by them.

8. The inquiry shall be held at such place as the Governor-General may appoint: provided that the Commissioners may in their discretion sit at any other place in the province in which the constituency is situated for any part of the inquiry and may depute any one of their number to take evidence at any place in such Province.

9. (1) No election petition shall be withdrawn without the leave of the Commissioners.

(2) If there are more petitioners than one, no application to withdraw a petition shall be made, except with the consent of all the petitioners.

(3) When an application for withdrawal is made, notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition and shall be published in the *Gazette of India*.

(4) No application for withdrawal shall be granted, if the Commissioners are of opinion that such application has been induced by any bargain or consideration which the Commissioners consider ought not to be allowed.

(5) If the application is granted—

(a) the petitioner shall be ordered to pay all or such portion of the costs of the respondent theretofore incurred as the Commissioners may think fit;

(b) such withdrawal shall be reported to the Governor-General who shall publish notice thereof in the *Gazette of India*; and

(c) any person who might himself have been a petitioner may, within seven days of such publication, apply to be substituted as petitioner in place of the party withdrawing, and upon compliance with the conditions of rule 5 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioners may think fit.

Abatement and substitution on death of petitioner.

10. (1) An election petition shall abate only on the death of a sole petitioner or of the survivor of several petitioners.

(2) Such abatement shall be reported to the Governor-General, who shall publish notice thereof in the *Gazette of India*.

(3) Any person who might himself have been a petitioner may, within seven days of such publication, apply to be substituted as petitioner, and upon compliance with the conditions of rule 5 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioners may think fit.

11. If before the conclusion of the trial of an election petition the respondent dies, or gives notice that he does not intend to oppose the petition, the Commissioners shall cause notice of such event to be published in the *Gazette of India* and thereupon any person who might have been a petitioner may, within seven days of such publication, apply to be substituted for such respondent to oppose the petition, and shall be entitled to continue the proceedings upon such terms as the Commissioners may think fit.

Abatement and substitution on death of respondent.



12. Where at an inquiry into an election petition any party thereto, other than the returned candidate, claims the seat for himself, the returned candidate or any other party may give evidence to prove that the election of such party would have been void in the same manner as if he had been the returned candidate and a petition had been presented complaining of his election.

13. When at an inquiry into an election petition the Commissioners so order, the Advocate-General or some person acting under his instructions shall attend and take such part therein, as they may direct.

*Explanation.*—The expression "Advocate-General" includes also a Government Advocate, or, where there is no Advocate-General or Government Advocate, such other officer as the Local Government may, from time to time, appoint in this behalf.

14. (1) Save as hereinafter provided, in this rule, if in the opinion of the Commissioners—

(a) the election of a returned candidate has been procured, or induced, or the result of the election has been materially affected by a corrupt practice specified in Part I or II of Schedule IV, or

(b) any corrupt practice specified in Part I of Schedule IV has been committed, or

(c) the result of the election has been materially affected by any irregularity in respect of a nomination paper, or the improper reception or refusal of a vote, or by any non-compliance with the provisions of the Act or the rules or regulations made thereunder, or by any mistake in the use of any form annexed thereto,

the election of the returned candidate shall be void.

(2) If the Commissioners report that a returned candidate has been guilty by an agent (other than his election agent) of any corrupt practice specified in Part I of Schedule IV which does not amount to any form of bribery, other than treating as hereinafter explained, or to the procuring or abetment of personation, and if the Commissioners further report that the candidate has satisfied them that—

(a) no corrupt practice was committed at such election by the candidate or his election agent and the corrupt practices mentioned in the report were committed contrary to the orders and without the sanction or connivance of such candidate or his election agent, and

(b) such candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at such election, and

(c) the corrupt practices mentioned in the said report were of a trivial, unimportant and limited character, and

(d) in all other respects the election was free from any corrupt practice on the part of such candidate or any of his agents,

then the Commissioners may find that the election of such candidate is not void.

*Explanation.*—For the purpose of this proviso "treating" means the incurring in whole or in part by any person of the expense of giving or providing any food, drink, entertainment or provision to any person with the object, directly or indirectly, of inducing him or any other

person to vote or refrain from voting or as a reward for having voted or refrained from voting.

15. (1) At the conclusion of the inquiry, the Commissioners shall report whether the returned candidate or any other party to the petition who has under the provisions of these rules claimed the seat has been duly elected, and in so reporting shall have regard to the provisions of rule 14.

Report of Commissioners and procedure thereon.

(2) The report shall be in writing and shall be signed by all the Commissioners. The Commissioners shall forthwith forward their report to the Governor-General who, on receipt thereof, shall issue orders in accordance with the report and publish the report in the *Gazette of India*, and the orders of the Governor-General shall be final.

16. If either in their report or upon any other matter there is a difference of opinion among the Commissioners, the opinion of the majority shall prevail, and their report shall be expressed in the terms of the views of the majority.

Form of report.

17. Where any charge is made in an election petition of any corrupt practice, the Commissioners shall record in their report—

Findings as to corrupt practices and persons guilty thereof.

(a) a finding whether a corrupt practice has or has not been proved to have been committed by any candidate or his agent or with connivance of any candidate or his agent and the nature of such corrupt practice, and

(b) the names of all persons (if any) who have been proved at the enquiry to have been guilty of any corrupt practice and the nature of such corrupt practice, with any such recommendations (if any) as they may desire to make for the exemption of any such persons from any disqualification they may have incurred in this connection under the rules.

#### SCHEDULE IV.

(See rules 3, 14 and 17.)

The following shall be deemed to be corrupt practices for the purposes of the rules:—

#### PART I.

1. A gift, offer or promise by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, of any gratifications to any person whomsoever, with the object, directly or indirectly, of inducing—

Bribery.

(a) a person to stand or not to stand as, or to withdraw from being a, candidate,

(b) an elector to vote or refrain from voting at an election, or as a reward for—

(a) a person having so stood or not stood or having withdrawn his candidature, or

(b) an elector having voted or refrained from voting.

*Explanation.*—For the purpose of this clause the term “gratification” is not restricted to pecuniary gratifications or gratifications estimable in money, and includes all forms of entertainment and all forms of employment for reward; but it does not include the payment of any expenses *bond fide* incurred at or for the purposes of any election, and duly entered in the return of election expenses required by the rules.



2. (1) The voluntary interference or attempted interference by a candidate or his agent or any other person with the connivance of the candidate or his agent with the free exercise of the right of any person to stand or not to stand as, or to withdraw from being, a candidate or to vote or refrain from voting at an election.

Undue influence.

(2) A threat of injury to any person or to any person in whom that person is interested or the inducement or attempted inducement of any person to believe that he or any person in whom he is interested will become or will be rendered the object of Divine displeasure or of spiritual censure, shall be deemed to be interference within the meaning of this paragraph (1):

Provided that a declaration of public policy or promise of public action shall not be deemed to be interference.

3. The procuring or abetting or attempting to procure by a candidate or his agent or by any other person, with the connivance of a candidate or his agent, the application by a person for a voting paper in the name of any other person, whether living or dead, or in a fictitious name or by a person, who has voted once at an election, for a voting paper in his own name at the same election.

Personation

4. The publication by a candidate or his agent or by any other person, with the connivance of the candidate or his agent, of any statement of fact which is false and which he either believes to be false or does not believe to be true in relation to the personal character or conduct of any candidate, or in relation to the candidature or withdrawal of any candidate, which statement is reasonably calculated to prejudice such candidate's election.

Publication of false statement.

## PART II.

1. Any act specified in Part I, when done by a person who is not a candidate or his agent or person acting with the connivance of a candidate or his agent.

Acts under Part I.

2. The application by a person at an election for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or for a voting paper in his own name after he has already voted at such election.

Personation.

Bribery.

3. The receipt of, or agreement to receive, any gratification, whether as a motive or a reward—

(a) by a person to stand or not to stand as, or to withdraw from being a candidate; or

(b) by any person whomsoever for himself or any other person for voting or refraining from voting, or for inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw his candidature.

4. Any payment or promise of payment to any person whomsoever on account of the conveyance of any elector to or from any place for the purpose of recording his vote.

Payment for conveyance.

5. The hiring, employment, borrowing or using for the purposes of the election of any boat, vehicle or animal usually kept for letting on hire or for the conveyance of passengers by hire:

Hiring and use of public conveyances.

Provided that any elector may hire any boat, vehicle or animal or use any boat, vehicle or animal which is his own property to convey himself to or from the place where the vote is recorded.

**6.** The incurring or authorisation of expenses by any person other than a candidate or his agent for the election on account of holding any public meeting or upon any advertisement, circular or publication or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, unless he is authorised in writing so to do by the candidate.

**7.** The hiring, using or letting as a committee-room or for the purpose of any meeting to which electors are admitted, of any building, room or other place where intoxicating liquor is sold to the public.

Issue of circular, etc., without printer's and publisher's name printed thereon.

**8.** The issuing of any circular, placard or poster having reference to an election, which does not bear on its face the name and address of the printer and publisher thereof.

*The 13th May, 1920.*

*No. 352 G.*—The following rules, which have been made under sections 30 (1a), 45A, 52 (3), 80A (3) (a) and (h) and 81A, and sections 72D (6), 67 (1) and 67 (5), of the Government of India Act and submitted for the sanction of the Secretary of State in Council, are published for general information :—

#### RULES UNDER SECTION 30 (1A) OF THE GOVERNMENT OF INDIA ACT.

In exercise of the powers conferred by section 30 (1a) and section 129A of the Government of India Act, the Governor General in Council, with the sanction of the Secretary of State in Council, is pleased to make the following rules :—

Short title. 1. These rules may be called the Local Government (Borrowing) Rules.

Purposes for which loans may be raised. 2. A local Government may, with the previous sanction of the Governor General in Council, raise loans on the security of the revenues allocated to it, for any of the following purposes, namely :—

(a) to meet capital expenditure on the construction or acquisition of any work in connection with—

(i) the improvement of irrigation or communications, or the supply of electric power for industrial purposes, or

(ii) any building or housing scheme, or

(iii) any scheme for the drainage or reclamation of land, or

(iv) any scheme for the development of forests and forest industries, or

(v) any other project of a like nature ;

(b) for the giving of relief and the establishment and maintenance of relief works in times of famine or scarcity ;

(c) for the financing of the Provincial Loan Account ; and

(d) for the repayment or consolidation of loans raised in accordance with these rules or the repayment of advances made by the Governor General in Council.

Terms of loans.

3. The sanction to be given by the Governor General in Council under rule 2 shall specify—

(a) the manner in which and the dates on or between which money should be borrowed ;

(b) the rate of interest to be paid on the loan ; and

(c) the manner and time of repayment, whether by provision of a sinking fund or otherwise.

Priority. 4. Every loan raised by a local Government in accordance with these rules shall be a charge on the whole of the revenues allocated to the local Government, and all payments in connection with the service of such loans shall be made in



priority to all payments by the local Government other than the payments of—

- (i) the fixed provincial contribution payable to the Governor General in Council,
- (ii) interest due on sums advanced to the local Government by the Governor General in Council from the revenues of India, and
- (iii) interest due on all loans previously raised by the local Government.

#### RULES UNDER SECTION 45A OF THE GOVERNMENT OF INDIA ACT.

In exercise of the powers conferred by section 45A and section 129A of the Government of India Act, the Governor General in Council, with the sanction of the Secretary of State in Council, is pleased to make the following rules:—

Short title.

1. These rules may be called the Devolution Rules.

Definitions.

2. In these rules, unless there is anything repugnant in the subject or context,—

- (a) "all-India revenues" means such portion of the revenues of India as is not allocated to local Governments under these rules;
- (b) "Schedule" means a Schedule to these rules;
- (c) "the Act" means the Government of India Act.

#### Part I.—Classification of subjects.

3. (1) For the purpose of distinguishing the functions of local Governments and local legislatures from the functions of the Governor General in Council and the Indian legislature, subjects shall be classified in relation to the functions of Government as central and provincial subjects in accordance with the lists set out in Schedule I.

(2) Any matter which is included in the list of provincial subjects set out in Part II of Schedule I shall, to the extent of such inclusion, be excluded from any central subject of which, but for such inclusion, it would form part.

Settlement of doubts.

4. Where any doubt arises as to whether a particular matter does or does not relate to a provincial subject, the Governor General in Council shall decide whether the matter does or does not so relate, and his decision shall be final.

5. The local Government of a province shall furnish to the Governor General in Council from time to time such returns and information on matters relating to the administration of provincial subjects as the Governor General in Council may require and in such form as he may direct.

Duty of local Government to supply information.

6. The provincial subjects specified in the first column of Schedule II shall, in the provinces shown against each subject in the second column of the said Schedule, be transferred subjects: provided that the Governor General in Council may, by notification in the *Gazette of India*, with the previous sanction of the Secretary of State in Council, revoke or suspend for such period as he may consider necessary the transfer of any provincial subject in any province, and upon such revocation or during such suspension the subject shall not be a transferred subject.

7. If any doubt arises as to whether any matter relates to a reserved or to a transferred subject, the Governor shall decide the question, and his decision shall be final.

Settlement of doubts.

8. Where an Act of the Legislative Council of a Governor's province confers on local authorities powers of the management of matters relating to reserved subjects, those matters shall, to the extent of the powers conferred by such legislation, be deemed in that province to form part of the transferred subject of local self-government.

Transfer in consequence of legislation.

9. (1) When a matter appears to the Governor to affect substantially the administration both of a reserved and of a transferred subject, and there is disagreement between the Executive Council and the minister concerned as to the action to be taken, it shall be the duty of the Governor, after due consideration of the advice tendered to him, to direct in which department the decision as to such action shall be given, provided that, in so far as circumstances admit, important matters on which there is such a difference of opinion shall before the giving of such direction be considered by the Governor with his Executive Council and his ministers together.

(2) In giving such a direction as is referred to in sub-rule (1), the Governor may, if he thinks fit, indicate the nature of the action which should in his judgment be taken, but the decision shall thereafter be arrived at by the Governor in Council or by the Governor and minister according as the department to which it has been committed is a department dealing with reserved or a department dealing with transferred subjects.

10. The authority vested in the local Government over officers of the public services employed in a province shall be exercised in the case of officers serving in a department dealing with reserved subjects by the Governor in Council and in the case of officers serving in a department dealing with transferred subjects by the Governor acting with the minister in charge of the department: provided that—

(a) no order affecting emoluments or pensions, no order of formal censure, and no order on a memorial shall be passed to the disadvantage of an officer of an all-India or provincial service without the personal concurrence of the Governor; and

(b) no order for the posting of an officer of an all-India service shall be made without the personal concurrence of the Governor.

11. An officer shall be deemed to be serving in that department which controls the budget-head to which his pay is debited. If he performs duties both in a department dealing with reserved and in a department dealing with transferred subjects the Governor shall decide to which budget-head his pay shall be debited.

12. Subject to the provisions of these rules, provincial subjects shall be administered by the local Government. But, save in the case of transferred subjects, nothing in these rules shall derogate from the power of superintendence, direction and control conferred on the Governor General in Council by the Act.

### *Part II.—Financial arrangements.*

13. The following sources of revenue shall be allocated to local Governments as sources of provincial revenue, namely:—

- (a) balances standing at the credit of the province at the time when the Act comes into force;
- (b) receipts accruing in respect of provincial subjects;
- (c) general stamps;
- (d) recoveries of loans and advances given by the local Government and of interest paid on such loans;
- (e) payments made to the local Government by the Governor General in Council or by other local Governments, either for services rendered or otherwise;
- (f) the proceeds of any taxes which may be lawfully imposed for provincial purposes;
- (g) the proceeds of any loans which may be lawfully raised for provincial purposes; and
- (h) any other sources which the Governor General in Council may by order declare to be sources of provincial revenue.



14. All moneys derived from sources of provincial revenue shall be paid into the public accounts, of which the Governor General in Council is custodian, and credited to the Government of the province; and no moneys so credited shall be withdrawn from the public account save in accordance with the provisions of a law passed by the Indian legislature.

15. In the financial year 1921-22 contributions shall be paid to the Governor General in Council by the local Governments mentioned below according to the following scale:—

Name of province.	Contribution* (in lakhs of rupees).
Madras ...	348
Bombay ...	56
Bengal ...	63
United Provinces ...	240
Punjab ...	175
Burma ...	64
Central Provinces and Berar ..	22
Assam ...	15

16. From the financial year 1922-23 onwards a total contribution of 988 lakhs, or such smaller sum as may be determined by the Governor General in Council, shall be paid to the Governor General in Council by the local Governments mentioned below. The percentage of this total amount to be paid in each year by each local Government shall be according to the following scale:—

Name of province.	1922-23.	1923-24.	1924-25.	1925-26.	1926-27.	1927-28* and thereafter.
Madras ...	32½	29½	26½	23	20	17
Bombay ...	7	8	9½	10½	12	13
Bengal ...	8½	10½	12½	15	17	19
United Provinces ...	23½	22½	21	20	19	18
Punjab ...	16½	15	13½	12	10½	9
Burma ...	6½	6½	6½	6½	6½	6½
Bihar and Orissa ...	1½	3	5	7	8½	10
Central Provinces and Berar ...	2½	3	3½	4	4½	5
Assam ...	1½	2	2	2	2	2½

17. In cases of emergency the local Government of any province may be required by the Governor General in Council, with the sanction of, and subject to conditions approved by, the Secretary of State, to pay to the Governor General in Council a contribution for any financial year in excess of the amount required by the preceding rules in the case of that year.

18. The contributions fixed under the preceding rules shall be a first charge on the allocated revenues and moneys of the local Governments concerned, and shall be paid in such instalments, in such manner, and on such dates, as the Governor General in Council may prescribe.

19. At any time when he considers this course to be essential in order to preserve the financial stability of India, the Governor General in Council shall have power to require a local Government so to regulate its programme of expenditure as not to reduce the balance at its credit in the public account on a specified date below a stated figure. Subject to this power, local Governments shall be at liberty to draw on their balances, provided that notice of the amount which they propose to draw during the ensuing financial year is given to the Governor General in Council before such date in each year as the Governor General in Council may by order fix.

20. Whenever the Governor General in Council has, on receipt of due notice of the intention of the local Government to draw on its balances, required it to reduce the extent of the proposed draft, he shall, at the end of the financial year

in which the local Government is debarred from drawing, credit the local Government with interest on the amount which it was not permitted to draw. Such interest shall be a charge on the revenues of India and shall be calculated at the average rate at which the Governor General in Council has borrowed money in the open market during the year by the issue of treasury bills.

21. Any moneys which, on the first day of April 1921, are owed to the Governor General in Council on account of advances made from the provincial loan account of any province shall be treated as an advance to the local Government from the revenues of India, and shall carry interest at a rate calculated on the average rate carried by the total amount owed to the Governor General in Council on this account on the 31st March 1921. The interest shall be payable upon such dates as the Governor General in Council may fix. In addition, the local Government shall pay to the Governor General in Council in each year an instalment in repayment of the principal amount of the advance, and this instalment shall be so fixed that the total advance shall, except where for special reasons the Governor General in Council may otherwise direct, be repaid before the expiry of twelve years. It shall be open to any local Government to repay in any year an amount in excess to the fixed instalment.

22. (1) The capital sums spent by the Governor General in Council upon the construction in the various provinces of productive and protective irrigation works and of such other works financed from loan funds as may from time to time be handed over to the management of local Governments shall be treated as advances made to the local Governments from the revenues of India. Such advances shall carry interest at the following rates, namely:—

- (a) in the case of outlay up to the end of the financial year 1916-17, at the rate of 3·3252 *per centum*;
- (b) in the case of outlay incurred after the financial year 1916-17, at the average rate of interest paid by the Governor General in Council on loans raised in the open market since the end of that year.

(2) The interest shall be payable upon such dates as the Governor General in Council may fix.

23. The Governor General in Council may at any time make to a local Government an advance from the revenues of India on such terms as to interest and repayment as he may think fit.

24. The payment of interest on loans and advances made under the three preceding rules, and the repayment of the principal of an advance under rule 21, shall be a charge on the annual allocated revenues of the local Government, and shall have priority over all other charges, save only contributions payable to the Governor General in Council.

25. (1) Subject to the rules contained in Schedule III, the local Government shall have full power to sanction expenditure on provincial subjects—

- (a) in the case of grants voted by the Legislative Council, to the full extent of such grant, and
- (b) in the case of the heads of expenditure enumerated in section 72D (3) of the Act, to any extent.

(2) Sanctions once given under clause (a) of sub-rule (1) shall remain valid for the specified period for which they are given subject to the voting of grants in each year.

26. Any powers conferred by rule 25 upon the Governor in Council or the Governor acting with ministers may, after previous consultation with the Finance Department hereinafter referred to, be delegated, with or without conditions, to any officer subordinate to the local Government. Such officer may not in his turn delegate such powers to any officer subordinate to him.



27. Each local Government shall establish and maintain out of provincial revenues a famine insurance fund in accordance with the provisions of Schedule IV, and such fund shall be controlled and administered as required by those provisions.
28. All proposals for raising taxation or for the borrowing of money on the revenues of a province shall be considered by the Governor with his Executive Council and ministers sitting together, but the decision shall thereafter be arrived at by the Governor in Council, or by the Governor and minister or ministers concerned, according as the proposal relates to a reserved or to a transferred subject.
29. Expenditure for the purpose of the administration of transferred subjects shall, in the first instance, be a charge on the general revenues and balances of each province, and the framing of proposals for expenditure in regard to transferred and reserved subjects will be a matter for agreement between that part of the government which is responsible for the administration of transferred subjects and that part of the Government which is responsible for the administration of reserved subjects.
30. If the Governor is at any time satisfied that there is no hope of an agreement being arrived at within a reasonable time as to the framing of proposals in regard to expenditure for reserved and transferred subjects respectively, he may by order in writing allocate the revenue and balances of the province between reserved and transferred subjects by specifying the fractional proportions of the revenues and balances which shall be assigned to each class of subject.
31. Every such order shall specify the period for which the allocation will remain in force. Such period shall be either the period of the office of the then existing Legislative Council or such longer period terminating at a date not later than one year after the expiration thereof as the Governor may determine. The Governor may, if he thinks fit, before making an order of allocation, refer the question of the allocation of the revenues and balances of the province for the report of such authority as the Governor General may appoint in this behalf and the Governor, if he so refers the matter, shall make his order in accordance with the terms of the report.
32. Every order of allocation made under these rules shall provide that, if any increase of revenue accrues during the period of the order on account of the imposition of fresh taxation, that increase, unless the legislature otherwise directs, shall be allocated in aid of that part of the Government by which the taxation is initiated.
33. If at the time of the preparation of any budget no agreement or allocation such as is contemplated by these rules has been arrived at, the budget shall be prepared on the basis of the aggregate grants respectively provided for the reserved and transferred subjects in the budget of the year about to expire.

### Part III.—Finance Department.

34. (1) There shall be in each Governor's province a Finance Department, which shall be controlled by a member of the Executive Council.
- (2) Immediately subordinate to the member there shall be a financial secretary, with whom shall be associated, if the ministers so desire, a joint secretary appointed by the Governor after consultation with the ministers.
- (3) The joint secretary shall be specially charged with the duty of examining and dealing with financial questions arising in relation to transferred subjects and with proposals for taxation or borrowing put forward by any minister.
35. The Finance Department shall perform the following functions, namely :—
- (a) it shall be in charge of the account relating to loans granted by the local Government, and shall advise on the financial aspect of all transactions relating to such loans ;

- (b) it shall be responsible for the safety and proper employment of the famine insurance fund ;
- (c) it shall examine and report on all proposals for the increase or reduction of taxation ;
- (d) it shall examine and report on all proposals for borrowing by the local Government ; shall take all steps necessary for the purposes of raising such loans as have been duly authorised ; and shall be in charge of all matters relating to the service of loans ;
- (e) it shall be responsible for seeing that proper financial rules are framed for the guidance of other departments and that suitable accounts are maintained by other departments and establishments subordinate to them ;
- (f) it shall prepare an estimate of the total receipts and disbursements of the province in each year and shall be responsible during the year for watching the state of the local Government's balances ;
- (g) in connection with the budget and with supplementary estimates—
  - (i) it shall prepare the statement of estimated revenue and expenditure which is laid before the Legislative Council in each year and any supplementary estimates or demands for excess grants which may be submitted to the vote of the Council ;
  - (ii) for the purposes of such preparation, it shall obtain from the departments concerned material on which to base its estimates, and it shall be responsible for the correctness of the estimates framed on the material so supplied ;
  - (iii) it shall examine and advise on all schemes of new expenditure for which it is proposed to make provision in the estimates, and shall decline to provide in the estimates for any scheme which has not been so examined ;
- (h) on receipt of a report from an audit officer to the effect that expenditure for which there is no sufficient sanction is being incurred, it shall require steps to be taken to obtain sanction or that the expenditure shall immediately cease ;
- (i) it shall lay the audit and appropriation reports before the committee on public accounts, and shall bring to the notice of the committee all expenditure which has not been duly authorised and any financial irregularities ;
- (j) it shall advise departments responsible for the collection of revenue regarding the progress of collection and the methods of collection employed.

Powers of Finance Department with reference to reappropriation.

36. (1) After grants have been voted by the Legislative Council the Finance Department shall have power to sanction—

- (i) any reappropriation within a grant from one major or minor head to another,
- (ii) any reappropriation between heads subordinate to a minor head which involves the undertaking of a recurring liability, and
- (iii) any delegation by a member or minister in charge of a department to any officer or class of officers of power to make reappropriation between heads subordinate to a minor head, and the conditions of such delegation,

and no such reappropriation or delegation shall be made without such sanction

(2) Copies of orders sanctioning any reappropriation which does not require the sanction of the Finance Department shall be communicated to that Department as soon as such orders are passed.



37. No expenditure on any of the heads detailed in section 72D (3) of the Act, which is in excess of the estimate for that head shown in the budget of the year, shall be incurred without previous consultation with the Finance Department.
38. No office may be added to, or withdrawn from, the public service in the province, and the emoluments of no post may be varied, except after consultation with the Finance Department; and, when it is proposed to add a permanent or temporary post to the public service, the Finance Department shall decide to what cadre the proposed post will form an addition.
39. No duty allowance, local allowance or travelling allowance and no personal pay shall be sanctioned for any post or class of posts without previous consultation with the Finance Department.
40. No grant of land or assignment of land revenue, except when the grant is made under the ordinary revenue rules of the province, shall be given without previous consultation with the Finance Department; and no concession, grant or lease of mineral or forest rights, of right to water power or of right-of-way or other easement, and no privilege in respect of such rights shall be given without such previous consultation.
41. No proposals involving an abandonment of revenue for which credit has been taken in the budget, or involving expenditure for which no provision has been made in the budget, shall be submitted for the consideration of the local Government or the Legislative Council, nor shall any orders giving effect to such proposals issue, without a previous reference to the Finance Department.
42. Every report made by the Finance Department on any matter on which it is required to advise or report under these rules shall be forwarded to the department concerned and shall, if the Finance Department so require, be submitted by the department concerned to the Governor. The Governor may, if he thinks fit, direct that any such report shall be laid before the committee on public accounts.
43. Wherever previous consultation with the Finance Department is required by these rules it shall be open to that department to prescribe, by general or special order, cases in which its assent may be presumed to have been given.
44. The Governor General in Council may employ the agency of the Governor in Council of any province in the administration of central subjects in so far as such agency may be found convenient.
45. The cost of an establishment exclusively employed on the business of agency shall be a charge against all-India revenues.
46. If a joint establishment is employed upon the administration of central and provincial subjects, the cost of such establishment may be distributed in such manner as the Governor General in Council and the Governor in Council of the province concerned may agree.

#### Part IV.—Limitation of control.

47. The powers of superintendence, direction and control over the local Government vested in the Governor General in Council under the Act shall in relation to transferred subjects be exercised only for the following purposes, namely:—
- (1) to safeguard the administration of central subjects; and
  - (2) to decide questions arising between two provinces, in cases where the provinces concerned fail to arrive at an agreement.

## SCHEDULE I.

(See rule 3.)

*Part I.—Central Subjects.*

1. (a) Defence of India and all matters connected with His Majesty's Naval, Military and Air Forces in India, or with His Majesty's Indian Marine Service or with any other force raised in India other than military and armed police wholly maintained by local Governments.

(b) Naval and military works and cantonments.

2. External relations, including naturalisation and aliens, and pilgrimages beyond India.

3. Relations with States in India.

4. Political charges.

5. Communications to the extent described under the following heads, namely:—

(a) railways and extra-municipal tramways, in so far as they are not classified as provincial subjects under entry 6 (d) of Part II of this Schedule;

(b) aircraft and all matters connected therewith;

(c) inland waterways, to an extent to be declared by rule made by the Governor General in Council or by or under legislation by the Indian legislature.

6. Shipping and Navigation, including shipping and navigation on inland waterways in so far as declared to be a central subject in accordance with entry 5(c).

7. Light-houses (including their approaches), beacons, lightships, and buoys.

8. Port quarantine and marine hospitals.

9. Ports declared to be major ports by rule made by the Governor General in Council or by or under legislation by the Indian legislature.

10. Posts, telegraphs and telephones, including wireless installations.

11. Customs, cotton, excise duties, income-tax, salt and other sources of all-India revenues.

12. Currency and coinage.

13. Public debt of India.

14. Savings Banks.

15. Department of the Comptroller and Auditor General.

16. Civil law, including laws regarding status, property, civil rights and liabilities and civil procedure.

17. Commerce, including banking and insurance.

18. Trading companies and other associations.

19. Control of production, supply and distribution of any articles in respect of which control by a central authority is declared by rule made by the Governor General in Council or by or under legislation by the Indian legislature to be essential in the public interest.

20. Development of industries, in cases where such development by a central authority is declared by order of the Governor General in Council expedient in the public interest.

21. Control of cultivation and manufacture of opium, and sale of opium for export.

22. Stores and Stationery.

23. Control of petroleum and explosives.

24. Geological survey.

25. Control of mineral development in so far as such control is reserved to the Governor General in Council under rules made or sanctioned by the Secretary of State, and regulation of mines.

26. Botanical survey.

27. Inventions and designs.

28. Copyright.

29. Emigration from, and immigration into, British India and inter-provincial migration.

30. Criminal Law, including criminal procedure.

31. Central police organisation.

32. Control of arms and ammunition.



33. Central agencies and institutions for research (including observatories) and for professional or technical training or promotion of special studies.

34. Ecclesiastical administration, including European cemeteries.

35. Survey of India.

36. Archæology.

37. Zoological Survey.

38. Meteorology.

39. Census and Statistics.

40. All-India Services.

41. Legislation in regard to any provincial subject, in so far as such subject is in Part II of this Schedule stated to be subject to legislation by the Indian legislature, and any powers relating to such subject reserved by legislation to the Governor General in Council.

42. Territorial changes, other than intra-provincial, and declaration of laws in connection therewith.

43. Regulation of ceremonial titles, orders, precedence and civil uniform.

44. Immoveable property acquired by, or maintained at, the cost of the Governor General in Council.

45. All matters expressly excepted by the provisions of Part II of this Schedule from inclusion among provincial subjects.

46. All other matters not included among provincial subjects under Part II of this Schedule.

#### *Part II.—Provincial Subjects.*

1. Local self-government, that is to say, matters relating to the constitution and powers of municipal corporations, improvement trusts, district boards, mining boards of health and other local authorities established in a province for the purpose of local self-government, exclusive of matters arising under the Cantonments Act, 1910; subject to legislation by the Indian legislature as regards—

- (a) the powers of such authorities to borrow otherwise than from a provincial government, and
- (b) the levying by such authorities of taxation not included in Schedule II to the Scheduled Taxes Rules.

2. Medical administration, including hospitals, dispensaries and asylums and provision for medical education.

3. Public health and sanitation and vital statistics; subject to legislation by the Indian legislature in respect to infectious and contagious diseases to such extent as may be declared by any Act of the Indian legislature.

4. Pilgrimages within British India.

5. Education: provided that—

- (a) the following subjects shall be excluded, namely:—

- (i) the Benares Hindu University, and such other Universities constituted after the commencement of these rules as may be declared by the Governor General in Council to be central subjects, and

- (ii) Chiefs' Colleges and any institution maintained by the Governor General in Council for the benefit of members of His Majesty's Forces or of other public servants or of the children of such members or servants; and

- (b) the following subjects shall be subject to legislation by the Indian legislature, namely:—

- (i) the control of the establishments, and the regulation of the constitutions and functions, of Universities constituted after the commencement of these rules, and

- (ii) the definition of the jurisdiction of any University outside the province in which it is situated, and

- (iii) for a period of five years from the date of the commencement of these rules, the Calcutta University and the control and organization of secondary education in the presidency of Bengal.

6. Public works included under the following heads, namely :—

- (a) construction and maintenance of provincial buildings used or intended for any purpose in connection with the administration of the province; and care of historical monuments, with the exception of ancient monuments as defined in section 2(1) of the Ancient Monuments Preservation Act, 1904, which are for the time being declared to be protected monuments under section 3(1) of that Act: provided that the Governor General in Council may, by notification in the Gazette of India, remove any such monument from the operation of this exception;
- (b) roads, bridges, ferries, tunnels, ropeways and causeways and other means of communication, subject to such conditions as regards control over construction and maintenance of means of communication declared by the Governor General in Council to be of military importance, and as regards incidence of special expenditure connected therewith as the Governor General in Council may prescribe;
- (c) tramways within municipal areas; and
- (d) light and feeder railways and extra-municipal tramways in so far as provision for their construction and management is made by provincial legislation; subject to legislation by the Indian legislature in the case of any such railway or tramway which is in physical connection with a main line or is built on the same gauge as an adjacent main line.

7. Water supplies, irrigation and canals, drainage and embankments water storage and water power; subject to legislation by the Indian legislature with regard to matters of inter-provincial concern or affecting the relations of a province with any other territory.

8. Land Revenue administration, as described under the following heads, namely:—

- (a) assessment and collection of land revenue;
- (b) maintenance of land records, survey for revenue purposes, records of rights;
- (c) laws regarding land tenures, relations of landlords and tenants, collection of rents;
- (d) Courts of Wards, incumbered and attached estates;
- (e) land improvement and agricultural loans;
- (f) colonisation and disposal of Crown lands and alienation of land revenue; and
- (g) management of Government estates.

9. Famine relief.

10. Agriculture including research institutes, experimental and demonstration farms, introduction of improved methods, provision for agricultural education, protection against destructive insects and pests and prevention of plant diseases; subject to legislation by the Indian legislature in respect to destructive insects and pests and plant diseases, to such extent as may be declared by any Act of the Indian legislature.

11. Civil Veterinary Department, including provision for veterinary training, improvement of stock, and prevention of animal diseases; subject to legislation by the Indian legislature in respect to animal diseases to such extent as may be declared by any Act of the Indian legislature.

12. Fisheries.

13. Co-operative Societies.

14. Forests, including preservation of game therein; subject to legislation by the Indian legislature as regards disforestation of reserved forests.

15. Land acquisition; subject to legislation by the Indian legislature.

16. Excise that is to say, the control of production, manufacture, possession, transport, purchase and sale of alcoholic liquor and intoxicating drugs, and the levying of excise duties and licence fees on or in relation to such articles but excluding, in the case of opium, control of cultivation, manufacture and sale for export.

17. Administration of justice, including constitution, power, maintenance and organisation of Courts of civil and criminal jurisdiction within the province; subject to legislation by the Indian legislature as regards High



Courts, Chief Courts, and Courts of Judicial Commissioners, and any Courts of criminal jurisdiction.

18. Provincial law reports.

19. Administrators General and Official Trustees ; subject to legislation by the Indian legislature.

20. Non-judicial stamps, subject to legislation by the Indian legislature, and judicial stamps, subject to legislation by the Indian legislature as regards amount of court-fees levied in relation to suits and proceedings in the High Courts under their original jurisdiction.

21. Registration of deeds and documents : subject to legislation by the Indian legislature.

22. Registration of births, deaths and marriages ; subject to legislation by the Indian legislature for such classes as the Indian legislature may determine.

23. Religious and charitable endowments.

24. Development of mineral resources which are Government property, subject to rules made or sanctioned by the Secretary of State, but not including the regulation of mines.

25. Development of industries, including industrial research and technical education.

26. Industrial matters included under the following heads, namely :—

- (a) factories ;
- (b) settlement of labour disputes ;
- (c) electricity ;
- (d) boilers ;
- (e) gas ;
- (f) smoke nuisances ; and
- (g) welfare of labour, including provident funds, industrial insurance (general, health and accident) and housing ;

subject as to heads (a), (b), (c), (d) and (g) to legislation by Indian legislature.

27. Adulteration of foodstuffs and other articles ; subject to legislation by the Indian legislature as regards import and export trade.

28. Weights and measures ; subject to legislation by the Indian legislature as regards standards.

29. Ports, except such ports as may be declared by rule made by the Governor General in Council or by or under Indian legislation to be major ports.

30. Inland waterways, including shipping and navigation thereon so far as not declared by the Governor General in Council to be Central subject, but subject as regards inland steam-vessels to legislation by the Indian legislature.

31. Police including railway police ; subject in the case of railway police to such conditions as regards limits of jurisdiction and railway contributions to cost of maintenance as the Governor General in Council may determine.

32. The following miscellaneous matters, namely :—

- (a) regulation of betting and gambling ;
- (b) prevention of cruelty to animals ;
- (c) protection of wild birds and animals ;
- (d) control of poisons, subject to legislation by the Indian legislature ;
- (e) control of motor vehicles, subject to legislation by the Indian legislature as regards licences valid throughout British India ; and
- (f) control of dramatic performances and cinematographs, subject to legislation by the Indian legislature in regard to sanction of films for exhibition.

33. Control of newspapers, books and printing presses ; subject to legislation by the Indian legislature.

34. Coroners.

35. Excluded Areas.

36. Criminal tribes ; subject to legislation by the Indian legislature.

37. European vagrancy ; subject to legislation by the Indian legislature.

38. Prisons, prisoners (except State prisoners) and reformatories; subject to legislation by the Indian legislature.

39. Pounds and prevention of cattle trespass.

40. Treasure trove.

41. Libraries (except the Imperial Library) and museums (except the Indian Museum, the Imperial War Museum and the Victoria Memorial, Calcutta) and Zoological Gardens.

42. Provincial Government Presses.

43. Elections for Indian and provincial legislatures, subject to rules framed under sections 64 (1) and 72A (4) of the Act.

44. Regulation of medical and other professional qualifications and standards; subject to legislation by the Indian legislature.

45. Local Fund Audit, that is to say, the audit by Government agency of income and expenditure controlled by local bodies.

46. Control, as defined by rule 10, of members of all-India and provincial services serving within the province, and control, subject to legislation by the Indian legislature, of other public services within the province.

47. Sources of provincial revenue, not included under previous heads, whether—

(a) taxes included in the Schedules to the Scheduled Taxes Rules, or

(b) taxes, not included in those Schedules, which are imposed by or under provincial legislation which has received the previous sanction of the Governor General.

48. Borrowing of money on the sole credit of the province, subject to the provisions of the local Government (Borrowing) Rules.

49. Imposition by legislation of punishments by fine, penalty or imprisonment for enforcing any law of the province relating to any provincial subject; subject to legislation by the Indian legislature in the case of any subject in respect of which such a limitation is imposed under these rules.

50. Any matter which, though falling within a central subject, is declared by the Governor General in Council to be of a merely local or private nature within the province.

## SCHEDULE II.

(See rule 6.)

### *List of Provincial Subjects for Transfer.*

Column I.	Column II.
1. Local self-government, that is to say, matters relating to the constitution and powers of municipal corporations, improvement trusts, district boards, mining boards of health and other local authorities established in the province for purposes of local self-government, exclusive of matters arising under the Cantonments Act, 1910; subject to legislation by the Indian legislature as regards (a) the powers of such authorities to borrow otherwise than from a provincial Government, and (b) the levying by such authorities of taxation not included in Schedule II to the Scheduled Taxes Rules.	All Governors' provinces.
2. Medical administration, including hospitals, dispensaries and asylums, and provision for medical education.	Ditto.
3. Public health and sanitation and vital statistics; subject to legislation by the Indian legislature in respect to infectious and contagious diseases to such extent as may be declared by any Act of the Indian legislature.	Ditto.
4. Pilgrimages within British India ... ..	Ditto.



*List of Provincial Subjects for Transfer—contd.*

Column I.	Column II.
<p>5. Education, other than European and Anglo-Indian education : provided that—</p> <p>(a) the following subjects shall be excluded, namely :—</p> <p>(i) the Benares Hindu University and such other Universities, constituted after the commencement of these rules, as may be declared by the Governor General in Council to be central subjects, and</p> <p>(ii) Chiefs' Colleges and any institution maintained by the Governor General in Council for the benefit of members of His Majesty's Forces or of other public servants or of the children of such members or servants ; and</p> <p>(b) the following subjects shall be subject to legislation by the Indian legislature, namely :—</p> <p>(i) the control of the establishments, and the regulation of the constitutions and functions, of Universities constituted after the commencement of these rules, and</p> <p>(ii) the definition of the jurisdiction of any University outside the province in which it is situated, and</p> <p>(iii) for a period of five years from the date of the commencement of these rules, the Calcutta University and the control and organization of secondary education in the presidency of Bengal.</p>	All Governors' provinces.
<p>6. Public Works included under the following heads, namely :—</p> <p>(a) construction and maintenance of provincial buildings, other than residences of Governors of provinces, used or intended for any purpose in connection with the administration of the province on behalf of the departments of Government concerned, save in so far as the Governor may assign such work to the departments using or requiring such buildings ; and care of historical monuments, with the exception of ancient monuments as defined in section 2 (1) of the Ancient Monuments Preservation Act, 1904, which are for the time being declared to be protected monuments under section 3 (1) of that Act : provided that the Governor General in Council may by notification in the <i>Gazette of India</i>, remove any such monument from the operation of this exception ;</p> <p>(b) roads, bridges, ferries, tunnels, ropeways and causeways and other means of communication, subject to such conditions as regards control over construction and maintenance of means of communication declared by the Governor General in Council to be of military importance, and as regards incidence of special expenditure connected therewith, as the Governor General in Council may prescribe ;</p> <p>(c) tramways within municipal areas ; and</p> <p>(d) light and feeder railways and extra municipal tramways in so far as provision for their construction and management is made by provincial legislation ; subject to regulation by the Indian legislature in the case of any such railway or tramway which is in physical connection with a main line or is built on the same gauge as an adjacent main line.</p>	All Governors' provinces, except Assam.
<p>7. Agriculture, including research institutes, experimental and demonstration farms, introduction of improved methods, provision for agricultural education, protection against destructive insects and pests and prevention of plant diseases ; subject to legislation by the Indian legislature in respect to destructive insects and pests and plant diseases to such extent as may be declared by any Act of the Indian legislature.</p>	All Governors' provinces.
<p>8. Civil Veterinary Department, including provision for veterinary training, improvement of stock, and prevention of animal diseases ; subject to legislation by the Indian legislature in respect to animal diseases to such extent as may be declared by any Act of the Indian legislature.</p>	Ditto.
<p>9. Fisheries ... ..</p>	All Governors' provinces except Assam.

*List of Provincial Subject for Transfer—concl'd.*

Column I.	Column II.
10. Co-operative Societies ... ..	All Governors' provinces.
11. Forests, including preservation of game therein ; subject to legislation by the Indian legislature as regards disforestation of reserved forests.	Bombay.
12. Excise, that is to say, the control of production, manufacture, possession, transport, purchase, and sale of alcoholic liquor and intoxicating drugs, and the levying of excise duties and licence fees on or in relation to such articles, but excluding, in the case of opium, control of cultivation, manufacture and sale for export.	All Governors' provinces, except Assam.
13. Registration of deeds and documents ; subject to legislation by the Indian legislature.	All Governors' provinces.
14. Registration of births, deaths and marriages ; subject to legislation by the Indian legislature for such classes as the Indian legislature may determine.	Ditto.
15. Religious and charitable endowments ... ..	Ditto.
16. Development of industries, including industrial research and technical education.	Ditto.
17. Adulteration of food-stuffs and other articles ; subject to legislation by the Indian legislature as regards import and export trade.	Ditto.
18. Weights and measures ; subject to legislation by the Indian legislature as regards standards.	Ditto.
19. Museums (except the Indian Museum, Imperial War Museum and the Victoria Memorial, Calcutta) and Zoological Gardens.	Ditto.

## SCHEDULE III.

(See rule 25.)

1. The following general rules shall be observed by every authority which sanctions expenditure from Government revenues :—

- (1) Every public officer should exercise the same vigilance in respect of expenditure incurred from Government revenues as a person of ordinary prudence would exercise in respect of the expenditure of his own money.
- (2) Moneys borrowed on the security of allocated revenues should be expended on those objects only for which, as provided by rules made under the Act, moneys may be so borrowed.
- (3) Except where such order is of general application, no authority should exercise its powers of sanctioning expenditure to pass an order which will be, directly or indirectly, to its own pecuniary advantage.
- (4) Unless the amount of the expenditure is insignificant, Government revenues should not be utilised for the benefit of a particular person or section of the community except when—
  - (i) a claim for the amount could be enforced in a court of law ;
  - (ii) the expenditure is in pursuance of a recognised policy or custom ; or
  - (iii) the object is such that the expenditure thereon may be deemed to be of a charitable nature.
- (5) No authority should sanction any expenditure which is likely to involve at a later date expenditure beyond its own powers of sanction.
- (6) The amount of allowances, such as local or travelling allowances, granted to meet special expenditure of a particular type should be so regulated that the allowances are not on the whole sources of profit to the recipient.



2. The previous sanction of the Secretary of State in Council is necessary—

- (i) (a) to the creation of a permanent appointment which would necessitate an increase in the cadre of an all-India Service;
- (b) to the abolition of any appointment in the cadre of an all-India Service;
- (c) to any increase or reduction of the pay of any appointment in the cadre of an all-India Service;
- (ii) to the creation of any temporary appointment the maximum pay of which exceeds Rs. 1,000 a month and which lasts or is expected to last for more than two years, or, if the appointment be for settlement work, for more than five years;
- (iii) to the grant to any officer of an allowance which is not admissible under rules made under section 96B, of the Act, or in cases in which those rules do not apply under the terms of any authorised Code issued or maintained under the authority of the said rules;
- (iv) to the grant to any retiring officer of a pension or gratuity which is not admissible under the rules for the time being in force under section 96B. of the Act;
- (v) to the grant of pensions or gratuities to non-officials, except in the case of—
  - (a) compassionate gratuities to the families of Government servants left in indigent circumstances,
  - (b) pensions or gratuities to the families of officers dying while employed in Government service granted in accordance with such rules as may be made in this behalf by the Secretary of State in Council,
  - (c) pensions or gratuities to non-officials injured or the families of non-officials killed during services rendered to the State, and
  - (d) pensions or gratuities to non-officials who have rendered exceptional services to Government;
- (vi) to any increase of the contract, sumptuary or furniture grant of the Governor;
- (vii) to any expenditure upon the purchase of stores, either in the United Kingdom or in India, otherwise than in accordance with such rules as may be made in this behalf by the Secretary of State in Council; and
- (viii) to any expenditure upon railway carriages or water-borne vessels specially reserved for the use of high officials, otherwise than in connection with the maintenance of the railway carriages already set apart with the sanction of the Secretary of State in Council for the exclusive use of the Governor.

*Note.*—Gratuities sanctioned under sub-clause (v) (a) of this paragraph should be subject as to total to such annual limit as the Secretary of State in Council may prescribe.

3. The previous sanction of the Governor General in Council is necessary—

- (i) subject to the provisions of paragraph 2 (i) of this Schedule—
  - (a) to the creation of a permanent appointment on a maximum rate of pay higher than Rs. 1,000 a month;
  - (b) to the increase of the maximum pay of a sanctioned permanent appointment to an amount in excess of Rs. 1,000 a month;
- (ii) to expenditure on a residence of the Governor in excess of Rs. 75,000 in any year;
- (iii) to expenditure upon irrigation and navigation works, including docks and harbours, and upon projects for drainage, embankment and water-storage and the utilisation of water-power, in any of the following cases, namely :—
  - (a) where the project concerned materially affects the interests of more than one local Government;
  - (b) where the original estimate exceeds 50 lakhs of rupees;
  - (c) where a revised estimate exceeds by 25 *per centum* or 50 lakhs of rupees, whichever is less, an original estimate sanctioned by the Governor General in Council;

(d) where a further revised estimate is proposed, after one revised estimate has already been sanctioned by the Governor General in Council ; and

(iv) to revisions, involving additional expenditure exceeding Rs. 15 lakhs a year, of permanent establishments serving in departments dealing with reserved subjects.

4. Apart from the restrictions imposed by paragraphs 1, 2, and 3 of this Schedule the power of sanctioning expenditure conferred upon the local Government by rule 25 shall be unlimited.

#### SCHEDULE IV.

(See rule 27.)

1. The local Governments mentioned below shall, save as hereinafter provided, make in every year provision in their budgets for expenditure upon relief of, and insurance against, famine of such amounts respectively (hereinafter referred to as the annual assignments) as are stated against each :—

					Rs.
Madras	...	...	...	...	6,61,000
Bombay	...	...	...	...	63,60,000
Bengal	...	...	...	...	2,00,000
United Provinces	...	...	...	...	39,60,000
Punjab	...	...	...	...	3,81,000
Burma	...	...	...	...	67,000
Bihar and Orissa	...	...	...	...	11,62,000
Central Provinces	...	...	...	...	47,26,000
Assam	...	...	...	...	10,000

2. The provision shall be made in the shape of a demand for a grant, and the estimates shall show, under the major heads concerned, the method in which it is proposed to utilise the grant.

3. The grant shall not be expended save upon the relief of famine or upon the construction of protective irrigation works or other works for the prevention of famine. Any portion of the grant which is not so spent shall be transferred to the famine insurance fund of the province.

4. The famine insurance fund shall consist of the unexpended balances of the annual assignments for each year, transferred to the fund under paragraph 3 of this Schedule, together with any interest which may accrue on these balances.

5. The local Government may, in any year when the accumulated total of the famine insurance fund of the province is not less than six times the amount of the annual assignment, suspend temporarily the provision of the annual assignment.

6. The famine insurance fund shall form part of the general balances of the Governor General in Council, who shall pay at the end of each year interest on the average of the balances held in the fund on the last day of each quarter. The interest shall be calculated at the average rate at which the Governor General in Council has during the year borrowed money by the issue of treasury bills. Such interest shall be credited to the fund.

7. The local Government may at any time expend the balance at its credit in the famine insurance fund for any of the purposes specified in paragraph 3 of this Schedule.

8. Such balances may further be utilised in the grant of loans to cultivators, either under the Agriculturists' Loans Act, 1884, or for relief purposes. When such loans have been granted, payments of interest on loans and repayments of principal shall be credited to the fund as they occur, and irrecoverable loans written off shall form a final charge against the fund.

9. In case of doubt whether the purpose for which it is proposed to spend any portion of the annual assignment or the famine insurance fund is one of the purposes specified in paragraph 3 of this Schedule, the decision of the Governor shall be final.

10. The annual accounts of the annual assignments and of the fund shall be maintained in the forms annexed to this Schedule.



[illegible]

## FORM B.

*Account of the Famine Insurance Fund for the year ending the March 19 .*

PROVINCE.	Opening Balance.	ADDITIONS DURING THE YEAR.				WITHDRAWALS DURING THE YEAR.			Closing Balance.
		Unexpended balance of grant for the year.	Repayments of principal of Takavi loans.	Interest.	Total.	For Famine Expenditure.	For the grant of Takavi loans.	Total.	

NOTE.—A sum of Rs. debited to the Fund during the year on account of the grant of Takavi loans was written-off during the year as irrecoverable.

## FORM C.

*Statement showing the progressive utilization of the annual Famine Insurance Grants and of the balances thereof from the year 1921-22 to the end of the year 1926-27 in the Province of Bombay.*

YEAR.	Grant of the year.	RECEIPTS FROM SOURCES OTHER THAN THE ANNUAL GRANT.		EXPENDITURE.			Net credit (+) or debit (-) on account of Takavi loans.	Net result of the year's transactions credit (+) debit (-).	Balance at credit from the commencement of the scheme to the end of the year.
		Interest on Balances of the Fund.	Interest on Takavi loans granted from the Fund.	On Famine Relief.	On Protective Irrigation Works.	On other Protective Works.			
1	2	3	4	5	6	7	8	9	10
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1921-22 ... ..	5,00,000	...	...	2,00,000	1,00,000	25,000	...	+1,75,000	1,75,000
1922-23 ... ..	5,00,000	8,000	...	...	2,00,000	50,000	-1,25,000	+1,33,000	3,08,000
1923-24 ... ..	5,00,000	15,000	4,000	6,50,000	...	...	-1,00,000	-2,31,000	77,000
1924-25 ... ..	5,00,000	1,000	6,000	...	4,00,000	20,000	+75,000	+1,62,000	2,39,000
1925-26 ... ..	5,00,000	10,000	2,000	7,51,000	...	...	...	-2,39,000	...
1926-27 ... ..	5,00,000	...	4,000	...	4,00,000	...	+1,00,000	+2,04,000	2,04,000
Total ... ..	30,00,000	34,000	16,000	16,01,000	11,00,000	95,000	-50,000 <sup>e</sup>	+2,04,000	2,04,000

<sup>e</sup> Of this amount, a sum of Rs. 20,000 was written-off as irrecoverable. There is thus a balance of Rs. 30,000 only at credit of the Famine Insurance Fund on account of Takavi loan which, together with the cash balance at its credit of Rs. 2,04,000 (column 10), makes a total of Rs. 2,34,000 forming the assets of the Fund at the end of the year 1926-27.

## RULES UNDER SECTION 52(3) OF THE GOVERNMENT OF INDIA ACT.

In exercise of the powers conferred by section 52 (3) and section 129A. of the Government of India Act, the Governor-General in Council with the sanction of the Secretary of State in Council, is pleased to make the following rules:—

1. These rules may be called the Transferred Subjects (Temporary Administration) Rules.
2. In cases of emergency where, owing to a vacancy, there is no minister in charge of a transferred subject the Governor—

Vacancy in office of minister.

- (1) shall, if another minister is available and willing to take charge of the subject, appoint such minister to administer the subject temporarily; or
- (2) may, if the vacancy cannot be provided for in the manner aforesaid himself temporarily administer the subject, and while so doing shall exercise in relation to such subject all such powers, in addition to his own powers as Governor, as he could exercise if he were the minister in charge thereof.



3. In any case in which the Governor himself undertakes temporarily to administer a subject under these rules, he shall certify that an emergency has arisen in which, owing to a ministerial vacancy, it is necessary for him so to do, and shall forthwith forward a copy of such certificate for the information of the Governor-General in Council.

4. Such temporary administration by the Governor shall only continue until a minister has been appointed to administer the subject.

5. The Governor shall not exercise in respect of such subject the powers conferred on him by section 72E of the Government of India Act.

#### RULES UNDER SECTION 80A (3) (a) OF THE GOVERNMENT OF INDIA ACT.

In exercise of the powers conferred by section 80A (3) (a) and section 129A of the Government of India Act, the Governor-General in Council, with the sanction of the Secretary of State in Council, is pleased to make the following rules:—

1. These rules may be called the Scheduled Taxes Rules.
2. The Legislative Council of a province may, without the previous sanction of the Governor-General, make and take into consideration and law imposing, for the purposes of the local Government, any tax included in Schedule I to these rules.
3. The Legislative Council of a province may, without the previous sanction of the Governor-General, make and take into consideration any law imposing, or authorising any local authority to impose, for the purposes of such local authority, any tax included in Schedule II to these rules.
4. The Governor-General in Council may at any time, by order, make any addition to the taxes enumerated in Schedules I and II to these rules.
6. Nothing in these rules shall affect the right of a local authority to impose a tax without previous sanction or with the previous sanction of the local Government when such right is conferred upon it by any law for the time being in force.

#### SCHEDULE I.

1. A tax on land put to uses other than agricultural.
2. A tax on succession or on acquisition by survivorship in a joint family.
3. A tax on any form of betting or gambling permitted by law.
4. A tax on advertisements.
5. A tax on amusements.
6. A tax on any specified luxury.
7. A registration fee.
8. A stamp duty other than duties of which the amount is fixed by Indian legislation.

#### SCHEDULE II.

(In this Schedule the word "tax" includes a cess, rate, duty or fee.)

1. A toll.
2. A tax on land or land values.
3. A tax on buildings.
4. A tax on vehicles or boats.
5. A tax on animals.
6. A tax on menials and domestic servants.
7. An octroi.

8. A terminal tax on goods imported into a local area in which an octroi was levied on or before the 6th July 1917.
9. A tax on trades, professions and callings.
10. A tax on private markets.
11. A tax imposed in return for services rendered, such as—
  - (a) a water rate,
  - (b) a lighting rate,
  - (c) a scavenging, sanitary or sewage rate.
  - (d) a drainage tax,
  - (e) fees for the use of markets and other public conveniences.

#### RULES UNDER SECTION 80-A. (3) (h) OF THE GOVERNMENT OF INDIA ACT.

In exercise of the powers conferred by section 80-A (3) (h) and section 129-A of the Government of India Act, the Governor-General in Council, with the sanction of the Secretary of State in Council, is pleased to make the following rules:—

- |                                   |   |
|-----------------------------------|---|
| Short title.                      | 1. These rules may be called the local Legislatures (Previous Sanction) Rules.                        |
| Laws requiring previous sanction. | 2. A local legislature may not repeal or alter without the previous sanction of the Governor-General— |

- (1) any law made by any authority in British India before the commencement of the Indian Councils Act, 1861: provided that the Governor-General in Council may, by notification in the *Gazette of India*, declare that this provision shall not apply to any such law which he may specify and, if he does so, previous sanction shall not thereafter be necessary to the alteration or repeal of that law; or
- (2) any law specified in the Schedule to these rules or any law made by the Governor-General in Council amending a law so specified.

#### SCHEDULE.

Year.	No.	Short title.
1860	XLV	The Indian Penal Code.
1864	III	The Foreigners Act, 1864.
1865	III	The Carriers Act, 1865.
"	X	The Indian Succession Act, 1865.
"	XV	The Parsi Marriage and Divorce Act, 1865.
"	XXI	The Parsi Intestate Succession Act, 1865.
1866	XXI	The Native Converts' Marriage Dissolution Act, 1866.
"	XXVIII	The Trustees' and Mortgagees' Powers Act, 1866.
1867	XXV	The Press and Registration of Books Act, 1867.
1869	IV	The Indian Divorce Act, 1869.
1870	XXI	The Hiddu Wills Act, 1870.
1872	I	The Indian Evidence Act, 1872.
"	III	The Special Marriage Act, 1872.
"	IX	The Indian Contract Act, 1872.
"	XV	The Indian Christian Marriage Act, 1872.
1873	X	The Indian Oaths Act, 1873.
1874	III	The Married Women's Property Act, 1874.
"	XIV	The Scheduled Districts Act, 1874.
"	XV	The Laws Local Extent Act, 1874.
1875	IX	The Indian Majority Act, 1875.
1877	I	The Special Relief Act, 1877.
1881	V	The Probate and Administration Act, 1881.
"	XIII	The Fort William Act, 1881.
"	XXVI	The Negotiable Instruments Act, 1881.
1882	II	The Indian Trusts Act, 1882.
"	IV	The Transfer of Property Act, 1882.
"	VII	The Powers-of-Attorney Act, 1882.



Year.	No.	Short title.
1889	IV	The Indian Merchandise Marks Act, 1889.
"	VII	The Succession Certificate Act, 1889.
"	XV	The Indian Official Secrets Act, 1889.
1890	VIII	The Guardians and Wards Act, 1890.
"	IX	The Indian Railways Act, 1890.
1891	XVIII	The Bankers' Books Evidence Act, 1891.
1895	XV	The Crown Grants Act, 1895.
1897	III	The Epidemic Diseases Act, 1897.
"	X	The General Clauses Act, 1897.
"	XIV	The Indian Short Title Act, 1897.
1898	V	The Code of Criminal Procedure, 1898.
"	IX	The Live-stock Importation Act, 1898.
1899	IX	The Indian Arbitration Act, 1899.
1903	XIV	The Indian Foreign Marriage Act, 1903.
"	XV	The Indian Extradition Act, 1903.
1908	V	The Code of Civil Procedure, 1908.
"	IX	The Indian Limitation Act, 1908.
"	XIV	The Indian Criminal Law Amendment Act, 1908.
"	XV	The Indian Ports Act, 1908.
"	XVI	The Indian Registration Act, 1908.
1909	III	The Presidency-towns Insolvency Act, 1909.
"	IV	The Whipping Act, 1909.
"	VII	The Anand Marriage Act, 1909.
1910	I	The Indian Press Act, 1910.
1911	X	The Seditious Meetings Act, 1911.
1912	IV	The Indian Lunacy Act, 1912.
"	V	The Provident Insurance Societies Act, 1912.
"	VI	The Indian Life Assurance Companies Act, 1912.
1913	VI	The Mussalman Wakf Validating Act, 1913.
"	VII	The Indian Companies Act, 1913.
1914	II	The Destructive Insects and Pests Act, 1914.
"	III	The Indian Copyright Act, 1914.
"	IX	The Local Authorities Loans Act, 1914.
1916	XV	The Hindu Disposition of Property Act, 1916.
1917	I	The Inland Steam Vessels Act, 1917.
"	XXVI	The Transfer of Property (Validating) Act, 1917.
1918	X	The Usurious Loans Act, 1918.
1919	XI	The Anarchical and Revolutionary Crimes Act, 1919.
1920	V	The Provincial Insolvency Act, 1920.
"	X	The Indian Securities Act, 1920.
"	XIV	The Charitable and Religious Trusts Act, 1920.

#### RULES UNDER SECTION 81A (1) OF THE GOVERNMENT OF INDIA ACT.

\* In exercise of the powers conferred by section 81A (1) and section 129A of the Government of India Act, the Governor-General in Council, with the sanction of the Secretary of State in Council, is pleased to make the following rules:—

1. These rules may be called the Reservation of Bills Rules.
2. The Governor of any Governor's province shall reserve for the consideration of the Governor-General any Bill, not having been previously sanctioned by the Governor-General, which has been passed by the Legislative Council of the province and is presented to the Governor for his assent, if the Bill appears to the Governor to contain provisions—

- (a) affecting the religion or religious rites of and class of British subjects in British India, or
- (b) regulating the constitution or functions of any University, or
- (c) having the effect of including within a transferred subject matters which have hitherto been classified as reserved subjects, or
- (d) providing for the construction or management of a light feeder railway or tramway other than a tramway within municipal limits, or

(e) affecting the land revenue of a province either so as to—

- (i) prescribe a period or periods within which any temporarily settled estate or estates may not be reassessed to land revenue, or
- (ii) limit the extent to which the assessment to land revenue of such an estate or estates may be made or enhanced, or
- (iii) modify materially the general principles upon which land revenue has hitherto been assessed,

if such prescription, limitation or modification appears to the Governor to be likely seriously to affect the public revenues of the province.

3. The Governor of any Governor's province may reserve for the consideration of the Governor-General any Bill, not having been previously sanctioned by the Legislative Council of the province and is presented to the Governor for his assent, if the Bill appears to the Governor—

Bills which may be reserved.

- (a) to affect any matter wherewith he is specially charged under his Instrument of Instructions, or
- (b) to affect any central subject, or
- (c) to affect the interest of another province.

#### RULES FOR LOCAL LEGISLATIVE COUNCIL.

In exercise of the powers conferred by sub-section (6) of section 72-D and sub-section (1) of section 129-A of the Government of India Act, the Governor-General in Council, with the sanction of the Secretary of State in Council, is pleased to make the following rules for the Legislative Council of the Governor of . . . . .

Short title.

1. These rules may be called the . . . . .  
Legislative Council Rules.

Definition.

2. In these rules—

- "Council" means the Legislative Council of . . . . . ;
- "Finance Member" means the member of the Council appointed by the Governor to perform the functions of the Finance Member under these rules;
- "gazette" means the . . . . . Gazette;
- "member" means a member of the Council;
- "member of the Government" means a member of the Executive Council or a Minister, and includes any member to whom such member may delegate any function assigned to him under these rules;
- "resolution" means a motion for the purpose of discussing a matter of general public interest;
- "standing order" means a standing order of the Council; and
- "Secretary" means a Secretary to the Council, and includes any person for the time being performing the duties of the Secretary.

3. At the commencement of every Session, the Governor shall nominate from amongst the members of the Council a panel of not more than four Chairmen, any one of whom may preside over the Council in the absence of the President and Deputy President, when so requested by the President or, in his absence, by the Deputy President.

Temporary Chairman.

Power of persons presiding.

4. The Deputy President and any Chairman of the Council shall, when presiding over the Council, have the same powers as the President when so presiding, and all references to the President in the rules and standing orders shall, in these circumstances, be deemed to be references to any such person so presiding.

5. The Secretary and such assistants of the Secretary as the Governor considers to be necessary shall be appointed by order in writing by the Governor and shall hold office during his pleasure.

Appointment of the Secretary.



6. The Governor, after considering the state of business of the Council shall, at the commencement of each Session, allot as many days as are in his opinion compatible with the public interests for the business of non-official members in the Council, and may from time to time during the Session alter such allotment, and on these days such business shall have precedence. At all other times Government business shall have precedence.

7. The Governor may within the period of notice disallow any question or any part of a question on the ground that it relates to a matter which is not primarily the concern of the local Government, and if he does so, the question or part of the question shall not be placed on the list of questions.

8. (1) A question may be asked for the purpose of obtaining information on a matter of public concern within the special cognizance of the member to whom it is addressed:

Provided that, no question shall be asked, in regard to any of the following subjects, namely:—

- (i) any matter affecting the relations of His Majesty's Government, or of the Government of India, or of the Governor or the Governor in Council, with any foreign State;
- (ii) any matter affecting the relations of any of the foregoing authorities with any Prince or Chief under the suzerainty of His Majesty, or relating to the affairs of any such Prince or Chief or to the administration of the territory of any such Prince or Chief; and
- (iii) any matter which is under adjudication by a Court of Law having jurisdiction in any part of His Majesty's Dominions.

(2) The decision of the Governor on the point whether any question is or is not within the restrictions imposed by sub-rule (1) shall be final.

9. In matters which are or have been the subject of controversy between the Governor-General in Council or the Secretary of State and the local Government, no question shall be asked except as to matters of fact, and the answer shall be confined to a statement of facts.

10. Any member may put a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given:

Provided that the President shall disallow any supplementary question if, in his opinion, it infringes the rules as to the subject-matter of questions, and in that case the question shall not appear on the record of the proceedings of the Council.

11. A motion for an adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the Governor, which shall not be refused except for reasons which would justify the disallowance of a resolution.

12. The right to move the adjournment of the Council for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions, namely:—

- (i) not more than one such motion shall be made at the same sitting;
- (ii) not more than one matter can be discussed on the same motion, and the motion must be restricted to a specific matter of recent occurrence;
- (iii) the motion must not revive discussion on a matter which has been discussed in the same Session;
- (iv) the motion must not anticipate a matter which has been previously appointed for consideration, or with reference to which a notice of motion has been previously given; and
- (v) the motion must not deal with a matter on which a resolution could not be moved.

13. The presence of at least...members shall be necessary to constitute a meeting of the Council for the exercise of its powers.

Quorum.

14. The business of the Council shall be transacted in English, but any member who is not fluent in English may address the Council in any recognised vernacular of the province, provided that the President may call on any member to speak in any language in which he is known to be proficient.

Language of the Council.

15. (1) The President shall decide all points of order which may arise, and his decision shall be final.

Decision on points of order.

(2) Any member may at any time submit a point of order for the decision of the President, but in doing so, shall confine himself to stating the point.

16. The President, after having called the attention of the Council to the conduct of a member who persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other members in debate, may direct him to discontinue his speech.

Irrelevance or repetition.

17. (1) The President shall preserve order and have all powers necessary for the purpose of enforcing his decisions on all points of order.

Power to order withdrawal of member.

(2) He may direct any member whose conduct is in his opinion grossly disorderly to withdraw immediately from the Council, and any member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting. If any member is ordered to withdraw a second time in the same Session, the President may direct the member to absent himself from the meetings of the Council for any period not longer than the remainder of the Session, and the member so directed shall absent himself accordingly.

(3) The President may in the case of grave disorder arising in the Council suspend any sitting for a time to be named by him.

18. The Governor may order the publication of any Bill (together with the Statement of Objects and Reasons accompanying it) in the Gazette, although no motion has been made for leave to introduce the Bill. In that case it shall not be necessary to move for leave to introduce the Bill, and if the Bill is afterwards introduced, it shall not be necessary to publish it again.

Publication of Bills.

19. (1) Any member, other than a member of the Government, desiring to move for leave to introduce a Bill shall give notice of his intention, and shall, together with the notice, submit a copy of the Bill and a full Statement of Objects and Reasons.

Notice of motion for leave to introduce Bills.

(2) If the Bill is a Bill which under the Government of India Act requires sanction, the member shall annex to the notice a copy of such sanction and the notice shall not be valid until this requirement is complied with.

(3) If any question arises whether a Bill is or is not a Bill which requires sanction under the Government of India Act, the question shall be referred to the authority which would have power to grant the sanction if it were necessary, and the decision of that authority on the question shall be final.

(4) The period of notice of a motion for leave to introduce a Bill under this rule shall be as follows, namely:—

(a) if the Bill relates to a transferred subject—fifteen days;

(b) if the Bill relates to a reserved subject—one month or, if the Governor so directs, a further period not exceeding in all two months.

20. As soon as may be after a Bill has been introduced the Bill, unless it has already been published, shall be published in the Gazette.

Publication.

21. If the Governor certifies that a Bill or any clause of a Bill or any amendment to a Bill affects the safety or tranquillity of a province or any part thereof, and directs that no proceedings or no further proceedings shall be taken thereon all notices of motions in connection with the subject-matter of the certificate shall lapse, and if any such motion has not already been set down in the list of business, it shall not be so set down. If any such motion has been set down on the list of business, the President shall, when the motion is reached, inform the Council of the Governor's action, and the Council shall forthwith without debate proceed to the next item of business.

Effect of certification by Governor.



22. The Governor may within the period of notice disallow any resolution or any part of a resolution, on the ground that it cannot be moved without detriment to the public interest, or on the ground that it relates to a matter which is not primarily the concern of the local Government, and if he does so, the resolution or part of the resolution shall not be placed on the list of business.

Power to disallow resolutions.

23. (1) Every resolution shall be in the form of a specific recommendation addressed to the Government, and no resolution shall be moved in regard to any of the following subjects, namely :—

Restrictions on subjects for discussion.

- (i) any matter affecting the relations of His Majesty's Government, or of the Government of India, or of the Governor or the Governor in Council, with any foreign State ;
- (ii) any matter affecting the relations of any of the foregoing authorities, with any Prince or Chief under the suzerainty of His Majesty, or relating to the affairs of any such Prince or Chief or to the administration of the territory of any such Prince or Chief ; and
- (iii) any matter which is under adjudication by a Court of Law having jurisdiction in any part of His Majesty's Dominions.

(2) The decision of the Governor on the point whether any resolution is or is not within the restrictions imposed by sub-rule (1) shall be final.

24. A copy of every resolution which has been passed by the Council shall be forwarded to the Government, but any such resolution shall have effect only as a recommendation to the Government.

Copy to Government.

25. A statement of the estimated annual expenditure and revenue of the Province (hereinafter referred to as "the Budget") shall be presented to the Council on such day as the Governor may appoint.

The Budget.

26. (1) A separate demand shall ordinarily be made in respect of the grant proposed for each Department of the Government, provided that the Finance Member may in his discretion include in one demand grants proposed for two or more Departments, or make a demand in respect of expenditure, such as Famine Relief and Insurance and Interest, which cannot readily be classified under particular Departments. Demands affecting reserved and transferred subjects shall, so far as may be possible, be kept distinct.

Demands for grants.

(2) Each demand shall contain, first, a statement of the total grant proposed, and then a statement of the detailed estimate under each grant divided into items.

(3) Subject to these rules, the Budget shall be presented in such a form as the Finance Member may consider best fitted for its consideration by the Council.

Stages of the Budget debate.

27. The Budget shall be dealt with by the Council in two stages, namely :—

- (i) A general discussion ; and
- (ii) the voting of demands for grants.

28. (1) On a day to be appointed by the Governor subsequent to the day on which the Budget is presented and for such time as the Governor may allot for this purpose, the Council shall be at liberty to discuss the Budget as a whole or any question of principle involved therein, but no motion shall be moved at this stage, nor shall the Budget be submitted to the vote of the Council.

General discussions.

(2) The Finance Member shall have a general right of reply at the end of the discussion.

(3) The President may, if he thinks fit, prescribe a time-limit for speeches.

29. (1) Not more than twelve days shall be allotted by the Governor for the discussion of the demands of the local Government for grants.

Voting of grants.

(2) Of the days so allotted, not more than two days shall be allotted by the Governor to the discussion of any one demand. As soon as the maximum limit of time for discussion is reached, the President shall forthwith put every question necessary to dispose of the demand under discussion.

(3) On the last day of the allotted days at o'clock, the President shall forthwith put every question necessary to dispose of all the outstanding matters in connection with the demands for grants.

30. (1) No motion for appropriation can be made except on the recommendation of the Governor communicated to the Council.

Motions at this stage.

(2) Motions may be moved at this stage to omit or reduce any item in a grant, but not to increase or alter the destination of a grant.

(3) When several motions relating to the same demand are offered, they shall be discussed in the order in which the heads to which they relate appear in the Budget.

(4) No motion shall be made for the reduction of a grant as a whole until all motions for the omission or reduction of definite items within that grant have been discussed.

31. When money has been spent on any service for which the vote of Council is necessary during any financial year in excess of the amount granted for that service and for that year, a demand for the excess shall be presented to the Council by the Finance Member and shall be dealt with in the same way by the Council as if it were a demand for a grant.

Excess grants.

32. (1) An estimate shall be presented to the Council for a supplementary or additional grant when,

(i) the amount voted in the Budget of a grant is found to be insufficient for the purposes of the current year, or

(ii) a need arises during the current year for expenditure for which the vote of the Council is necessary upon some new service not contemplated in the Budget for that year.

(2) Supplementary or additional estimates shall be dealt with in the same way by the Council as if they were demands for grants.

33. (1) As soon as may be after the commencement of each financial year, a Committee on Public Accounts shall be constituted for the purpose of dealing with the audit and appropriation accounts of the Province and such other matters as the Finance Department may refer to the Committee.

Constitution of Committee on Public Accounts.

(2) The Committee on Public Accounts shall consist of not more than . . . members including the Chairman, of whom not less than two-thirds shall be elected by the non-official members of the Council according to the principle of proportionate representation by means of the single transferable vote. The remaining members shall be nominated by the Governor.

(3) The Finance Member shall be Chairman of the Committee, and, in the case of an equality of votes on any matter, shall have a second or casting vote.

34. (1) In scrutinising the audit and appropriation accounts of the Province, it shall be the duty of the Committee to satisfy itself that the money voted by the Council has been spent within the scope of the demand granted by the Council.

Control of Committee on Public Accounts

(2) It shall be the duty of the Committee to bring to the notice of the Council—

(i) every re-appropriation from one grant to another grant;

(ii) every re-appropriation within a grant which is not made in accordance with the rules regulating the functions of the Finance Department, or which has the effect of increasing the expenditure on an item the provision for which has been specifically reduced by a vote of the Council; and

(iii) all expenditure which the Finance Department has requested should be brought to the notice of the Council.

#### RULES FOR THE COUNCIL OF STATE AND THE LEGISLATIVE ASSEMBLY.

In exercise of the powers conferred by sub-sections (1) and (5) of section 67 and sub-section (1) of section 129-A of the Government of India Act, the Governor-General in Council, with the sanction of the Secretary of State



in Council, is pleased to make the following rules for the Chambers of the Indian Legislature.

Short title.

1. These rules may be called the Indian Legislative Rules.

Definitions.

2. In these rules, unless the context otherwise requires,—

“Assembly” means the Legislative Assembly;

“Chamber” means a Chamber of the Indian Legislature;

“Council” means the Council of the State;

“Finance Member” means the member of the Assembly appointed by the Governor-General to perform the functions assigned to the Finance Member under these rules;

“Gazette” means the *Gazette of India*;

“member” means a member of either Chamber;

“member of the Government” means a member of the Governor-General’s Executive Council, and includes any member to whom such member may delegate any function assigned to him under these rules;

“resolution” means a motion for the purpose of discussing a matter of general public interest;

“standing order” means a standing order of either Chamber;

“Secretary” means the Secretary to either Chamber, and includes any person for the time being performing the duties of the Secretary.

3. At the commencement of every Session, the Governor-General shall nominate from amongst the members of the Temporary Chairman of Legislative Assembly a panel of not more than four Chairmen, any one of whom may preside over the Assembly in the absence of the President and Deputy President, when so requested by the President or, in his absence, by the Deputy President.

4. The Deputy President and any Chairman of the Assembly and any person appointed by the Governor-General to preside over the Council in the absence of the President shall, when presiding over the Assembly or the Council, as the case may be, have the same powers as the President when so presiding, and all references to the President in these rules shall, in these circumstances, be deemed to be references to any such person so presiding.

5. The Secretary and such assistants of the Secretary as the Governor-General considers to be necessary shall be appointed by order in writing by the Governor-General and shall hold office during his pleasure.

6. The Governor-General, after considering the state of business of the Chamber, shall, at the commencement of each Session of that Chamber, allot as many days as are in his opinion compatible with the public interests for the business of non-official members in that Chamber, and may, from time to time during the Session, alter such allotment, and on these days such business shall have precedence. At all other times Government business shall have precedence.

7. The Governor-General may within the period of notice disallow any question or any part of a question on the ground that relates to a matter which is not primarily the concern of the Governor-General in Council, and if the does so, the question or part of the question shall not be placed on the list of questions.

8. (1) A question may be asked for the purpose of obtaining information on a matter of public concern within the special cognizance of the member to whom it is addressed:

Provided that, no question shall be asked in regard to any of the following subjects, namely:—

(i) any matter affecting the relations of His Majesty’s Government, of the Governor-General in Council, with any foreign State;

(ii) any matter affecting the relations of any of the foregoing authorities with any Prince or Chief under the suzerainty of His

Majesty or relating to the affairs of any such Prince or Chief, or to the administration of the territory of any such Prince or Chief; and

(iii) any matter which is under adjudication by a Court of Law having jurisdiction in any part of His Majesty's Dominions.

(2) The decision of the Governor-General on the point whether any question is or is not within the restrictions imposed by sub-rule (1) shall be final.

9. In matters which are or have been the subject of controversy between the Governor-General in Council and the Secretary of State or a local Government, no question shall be asked except as to matters of fact, and the answer shall be confined to a statement of facts.

Questions regarding controversy between authorities.

10. Any member may put a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given:

Supplementary questions.

Provided that the President shall disallow any supplementary question if, in his opinion, it infringes the rules as to the subject-matter or questions and in that case the question shall not appear on the record of the proceedings of the Chamber.

11. A motion for an adjournment of the business of either Chamber for the purpose of discussing a definite matter of urgent public importance may be made with the consent of Governor-General which shall not be refused, except for reasons which would justify the disallowance of a resolution.

Motions for adjournments.

12. The right to move the adjournment of either Chamber for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions, namely:—

Restrictions on power to make motion.

- (i) not more than one such motion shall be made at the same sitting;
- (ii) not more than one matter can be discussed on the same motion and the motion must be restricted to a specific matter of recent occurrence;
- (iii) the motion must not revive discussion on a matter which has been discussed in the same Session;
- (iv) the motion must not anticipate a matter which has been previously appointed for consideration, or with reference to which a notice of motion has been previously given; and
- (v) the motion must not deal with a matter on which a resolution could not be moved.

13. In the case of the Council the presence of at least fifteen members and in the case of the Assembly the presence of at least twenty-five members, shall be necessary to constitute a meeting of the Council or of the Assembly for the exercise of its powers.

Quorum

14. The business of the Indian Legislature shall be transacted in English, provided that the President may permit any member unacquainted with English to address the Council in a vernacular.

Language of the Indian Legislature.

Decision on points of order.

15. (1) The President shall decide all points of order which may arise, and his decision shall be final.

(2) Any member may at any time submit a point of order for the decision of the President, but in doing so, shall confine himself to stating the point.

16. The President, after having called the attention of the Chamber to the conduct of a member who persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other members in debate, may direct him to discontinue his speech.

Irrelevance or repetition.

17. (1) The President shall preserve order and have all powers necessary for the purpose of enforcing his decisions on all points of order.

Power to order withdrawal of member.

(2) He may direct any member whose conduct is in his opinion grossly disorderly to withdraw immediately from the Chamber, and any member so ordered to withdraw shall do so forthwith, and shall absent himself during the remainder of the day's meeting. If any member is ordered to



withdraw a second time in the same Session, the President may direct the member to absent himself from the meetings of the Chamber for any period not longer than the remainder of the Session, and the member so directed shall absent himself accordingly.

(3) The President may, in the case of grave disorder arising in the Chamber, suspend any sitting for a time to be named by him.

18. The Governor-General may order the publication of any Bill (together with the Statement of Objects and Reasons accompanying it) in the Gazette, although

no motion has been made for leave to introduce the Bill. In that case it shall not be necessary to move for leave to introduce the Bill, and, if the Bill is afterwards introduced, it shall not be necessary to publish it again.

19. (1) Any member, other than a member of the Government, desiring to move for leave to introduce a Bill shall give notice of his intention, and shall, together with the notice, submit a copy of the Bill and a full Statement of Objects and Reasons.

(2) If the Bill is a Bill which under the Government of India Act requires sanction, the member shall annex to the notice a copy of such sanction, and the notice shall not be valid until this requirement is complied with.

(3) If any question arises whether a Bill is or is not a Bill which requires sanction under the Government of India Act, the question shall be referred to the Governor-General, and his decision on the question shall be final.

(4) The period of notice of a motion for leave to introduce a Bill under this rule shall be one month or, if the Governor-General so directs, a further period not exceeding in all two months.

20. As soon as may be after a Bill has been introduced, the Bill, unless it has already been published, shall be published in the Gazette.

21. If the Governor-General certifies that a Bill or any clause of a Bill or any amendment to a Bill effects the safety or tranquillity of British India or any part thereof, and directs that no proceedings or no further proceedings shall be taken thereon, all notices of motions in connection with the subject-matter of the certificate shall lapse, and if any such motion has not already been set down in the list of business, it shall not be so set down. If any such motion has been set down on the list of business, the President shall, when the motion is reached, inform the Chamber of the Governor-General's action, and the Chamber shall forthwith without debate proceed to the next item of business.

22. The Governor-General may within the period of notice disallow any resolution or any part of a resolution, on the ground that it cannot be moved without detriment to the public interest, or on the ground that it relates to a matter which is not primarily the concern of the Governor-General in Council, and, if he does so, the resolution or part of the resolution shall not be placed on the list of business.

23. (1) Every resolution shall be in the form of a specific recommendation addressed to the Governor-General in Council, and no resolution shall be moved in regard to any of the following subjects, namely :—

- (i) Any matter affecting the relations of His Majesty's Government, or of the Governor-General or the Governor-General in Council, with any foreign State;
- (ii) any matter affecting the relations of any of the foregoing authorities with any Prince or Chief under the suzerainty of His Majesty, or relating to the affairs of any such Prince or Chief, or to the administration of the territory of any such Prince or Chief; and
- (iii) any matter which is under adjudication by a Court of Law having jurisdiction in any part of His Majesty's Dominions.

(2) The decision of the Governor-General on the point whether any resolution is or is not within the restrictions imposed by sub-rule (1) shall be final.

24. A copy of every resolution which has been passed by either Chamber shall be forwarded to the Governor-General in Council, but any such resolution shall have effect only as a recommendation to the Governor-General in Council.
- Copy to Government.
25. Every Bill which has been passed by the originating Chamber shall be sent to the other Chamber, and copies of the Bill shall be laid on the table at the next following meeting of that Chamber.
- Bills which have passed originating Chamber.
26. At any time after copies have been laid on the table, any member acting on behalf of Government in the case of a Government Bill or, in any other case, any member may give notice of his intention to move that the Bill be taken into consideration.
- Notice.
27. On the day on which the motion is set down in the list of business, which shall, unless the President otherwise directs, be not less than three days from the receipt of the notice, the member giving notice may move that the Bill be taken into consideration.
- Motion for consideration.
28. On the day on which such motion is made or on any subsequent day to which the discussion is postponed, the principle of the Bill and its general provisions may be discussed, but the details of the Bill must not be discussed further than is necessary to explain its principle.
- Discussion.
29. Any member may (if the Bill has not already been referred to a Select Committee of the originating Chamber or to a Joint Committee of both Chambers, but not otherwise) move as an amendment that the Bill be referred to a Select Committee, and if such motion is carried, the Bill shall be referred to a Select Committee, and the standing orders regarding Select Committees on Bills originating in the Chamber shall then apply.
- Reference to a Select Committee.
30. If the motion that the Bill be taken into consideration is carried, the Bill shall be taken into consideration, and the provisions of the standing orders of the Chamber regarding consideration of amendments to Bills and the subsequent procedure in regard to the passing of Bills shall apply.
- Consideration and passing.
31. If the Bill is passed without amendment and the originating Chamber is the Legislative Assembly, a message shall be sent to the Legislative Assembly intimating that the Council of State have agreed to the Bill without any amendments. If the originating Chamber is the Council of State, the Bill with a message to the effect that the Legislative Assembly have agreed to the Bill without any amendments shall be sent to the Council of State.
- Bills passed in either Chamber without amendment.
32. If the Bill is passed with amendments, the Bill shall be returned with a message asking the concurrence of the originating Chamber to the amendments.
- Bill passed in either Chamber with amendment.
33. When a Bill which has been amended in the other Chamber is returned to the originating Chamber, copies of the Bill shall be laid on the table at the next following meeting of that Chamber.
- Return of amended Bills to originating Chamber.
34. After an amended Bill has been laid on the table, any member acting on behalf of Government in the case of a Government Bill or, in any other case, any member after giving three days' notice or with the consent of the President without notice, may move that the amendments be taken into consideration.
- Appointment of time for consideration of amendments.
35. (1) If on a motion that the amendments be taken into consideration is carried, the President shall put the amendments to the Chamber in such manner as he thinks most convenient for their consideration.
- Procedure on consideration of amendments.
- (2) Further amendments relevant to the subject-matter of the amendments made by the other Chamber may be moved, but no further amendment shall be moved to the Bill, unless it is consequential upon, or an alternative to, an amendment made by the other Chamber.
36. (1) If the Chamber agrees to the amendments made by the other Chamber, a message intimating its agreement shall be sent to that Chamber.
- Procedure consequent on consideration of amendments.



(2) If the Chamber disagrees with the amendments made by the other Chamber or any of them, the Bill with a message intimating its disagreement shall be sent to that Chamber.

(3) If the Chamber agrees to the amendments or any of them with further amendments, or proposes further amendments in place of amendments made by the other Chamber, the Bill as further amended with a message to that effect shall be sent to the other Chamber.

(4) The other Chamber may either agree to the Bill as originally passed in the originating Chamber or as further amended by that Chamber, as the case may be, or may return the Bill with a message that it insists on an amendment or amendments to which the originating Chamber has disagreed.

(5) If a Bill is returned with a message intimating that the other Chamber insists on amendments to which the originating Chamber is unable to agree, that Chamber may either—

- (i) report the fact of the disagreement to the Governor-General, or
- (ii) allow the Bill to lapse.

Convening of joint sitting.

tion in the Gazette.

37. A joint sitting of both Chambers shall be convened by the Governor-General by notification in the Gazette.

38. The President of the Council shall preside at a joint sitting and the procedure of the Council shall, so far as practicable, apply.

President and procedure.

39. The members present at a joint sitting may deliberate and shall vote together upon the Bill as last proposed by the originating Chamber and upon amendments, if any, which have been made therein by one Chamber and not agreed to by the other, and any such amendments which are affirmed by a majority of the total members of the Council and the Assembly present at such sitting shall be taken to have been carried; and if the Bill with amendments, if any, is affirmed by a majority of the members of the Council and the Assembly present at such sitting, it shall be deemed to have been duly passed by both Chambers.

Effect of joint sitting.

40. (1) If both Chambers agree to a meeting of members for the purpose of discussing a difference of opinion which has arisen between the two Chambers, a conference shall be held.

Conferences.

(2) At a conference each Chamber shall be represented by an equal number of members.

(3) The conference shall determine its own procedure.

(4) The time and place of the conference shall be fixed by the President of the Council.

41. Messages between one Chamber and the other Chamber shall be conveyed by the Secretary of the one Chamber to the Secretary of the other, or in such other manner as the Chambers may agree.

Messages.

42. (1) If a resolution is passed in the originating Chamber recommending that a Bill should be committed to a joint committee of both Chambers, a message shall be sent to the other Chamber to inform it of the resolution and to desire its concurrence in the resolution.

Joint committees.

(2) If the other Chamber agrees, a motion shall be made in each Chamber nominating the members of the Chamber who are to serve on the committee. On a joint committee equal numbers of members of each Chamber must be nominated.

(3) The Chairman of the committee shall be elected by the committee. He shall have only a single vote, and, if the votes are equal, the question shall be decided in the negative.

(4) The time and place of the meeting of the committee shall be fixed by the President of the Council.

43. A statement of the estimated annual expenditure and revenue of the Governor-General in Council (hereinafter referred to as "the Budget") shall be presented to each Chamber on such day or days as the Governor-General may appoint.

The Budget.

44. (1) A separate demand shall ordinarily be made in respect of the grant proposed for each Department of the Government, provided that the Finance Member may, in his discretion, include in one demand grants proposed for two or more Departments, or make a demand in respect of expenditure which cannot readily be classified under particular Departments.

(2) Each demand shall contain, first a statement of the total grant proposed, and then a statement of the detailed estimate under each grant divided into items.

(3) Subject to these rules the Budget shall be presented in such a form as the Finance Member may consider best fitted for its consideration by the Assembly.

Stages of the Budget debate.

45. The Budget shall be dealt with by the Assembly in two stages, namely:—

- (i) a general discussion; and
- (ii) the voting of demands for grants.

46. (1) On a day to be appointed by the Governor-General subsequent to the day on which the Budget is presented and for such time as the Governor-General may allot for this purpose, the Assembly shall be at liberty to discuss the Budget as a whole, or any question of principle involved therein, but no motion shall be moved at this stage, nor shall the Budget be submitted to the vote of the Assembly.

(2) The Finance Member shall have a general right of reply at the end of the discussion.

(3) The President may, if he thinks fit, prescribe a time-limit for speeches.

47. (1) Not more than fifteen days shall be allotted by the Governor-General for the discussion of the demands of the Governor-General in Council for grants.

(2) Of the days so allotted, not more than two days shall be allotted by the Governor-General to the discussion of any one demand. As soon as the maximum limit of time for discussion is reached, the President shall forthwith put every question necessary to dispose of the demand under discussion.

(3) On the last day of the allotted days at five o'clock, the President shall forthwith put every question necessary to dispose of all the outstanding matters in connection with the demands for grants.

48. (1) No motion for appropriation can be made except on the recommendation of the Governor-General communicated to the Assembly.

(2) Motions may be moved at this stage to omit or reduce any grant, but not to increase or alter the destination of a grant.

(3) When several motions relating to the same demand are offered they shall be discussed in the order in which the heads to which they relate appear in the Budget.

49. When money has been spent on any service for which the vote of the Assembly is necessary during any financial year in excess of the amount granted for that service and for that year, a demand for the excess shall be presented to the Assembly by the Finance Member and shall be dealt with in the same way by the Assembly as if it were a demand for a grant.

50. (1) An estimate shall be presented to the Assembly for a supplementary or additional grant when—

- (i) the amount voted in the Budget of a grant is found to be insufficient for the purposes of the current year; or
- (ii) a need arises during the current year for expenditure for which the vote of the Assembly is necessary upon some new service not contemplated in the Budget for that year.

(2) Supplementary or additional estimates shall be dealt with in the same way by the Assembly as if they were demands for grants.



51. (1) As soon as may be after the commencement of each financial year, a Committee on Public Accounts shall be constituted for the purpose of dealing with the audit and appropriation accounts of the Governor-General in Council and such other matters as the Finance Department may refer to the Committee.

Constitution of Committee on Public Accounts.

(2) The Committee on Public Accounts shall consist of not more than twelve members including the Chairman, of whom not less than two-thirds shall be elected by the non-official members of the Assembly according to the principle of proportionate representation by means of the single transferable vote. The remaining members shall be nominated by the Governor-General.

(3) The Finance Member shall be Chairman of the Committee, and, in the case of an equality of votes on any matter, shall have a second or casting vote.

52. (1) In scrutinizing the audit and appropriation accounts of the Governor-General in Council, it shall be the duty of the Committee to satisfy itself that the money voted by the Assembly has been spent within the scope of the demand granted by the Assembly.

Control of Committee on Public Accounts.

(2) It shall be the duty of the Committee to bring to the notice of the Assembly—

- (i) every re-appropriation from one grant to another grant;
- (ii) every re-appropriation within a grant which is not made in accordance with the rules regulating the functions of the Finance Department, or which has the effect of increasing the expenditure on an item the provision for which has been specifically reduced by a vote of the Assembly; and
- (iii) all expenditure which the Finance Department has requested should be brought to the notice of the Assembly.

S. P. O'DONNELL,

*Secretary to the Government of India*

The following notification, issued by the Government of India in the Home Department, published in the *Gazette of India*, dated the 5th May 1920, is republished for general information.

S. N. RAY,

*Offg. Secy. to the Govt. of Bengal.*

#### NOTIFICATION.

#### JUDICIAL.

*Simla, the 13th May 1920.*

No. 897.—The Hon'ble Mr. Justice G. C. Rankin, Barrister-at-Law, a Judge of the High Court of Judicature at Fort William in Bengal, is granted privilege leave for one month, with effect from the 3rd August 1920.

H. MCPHERSON,

*Secretary to the Govt. of India.*

The following resolution issued by the Government of India in the Home Department, published in the *Gazette of India* dated the 8th May 1920, are republished for general information.

H. L. STEPHENSON,  
*Chief Secy. to the Govt. of Bengal.*

#### RESOLUTION.

##### ESTABLISHMENTS.

No. 919.

*Simla, the 4th May 1920.*

#### AMENDMENT IN THE HOME DEPARTMENT RESOLUTION REGARDING THE REVISED RATES OF PAY FOR THE INDIAN CIVIL SERVICE.

THE following amendment is made in paragraph 1 (3) of the Home Department Resolution No. 286, dated the 13th February 1920, publishing the revised rates of pay for the Indian Civil Service:—

For the word "salary" occurring in line 2 *substitute* the word "pay."

ORDER.—Ordered that a copy of this Resolution be forwarded to all local Governments and Administrations, the several Departments of the Government of India (including the Financial Adviser, Military Finance) and the offices subordinate to this Department, for information.

Ordered also that it be published in the Supplement to the *Gazette of India* for general information.

H. MCPHERSON,  
*Secretary to the Govt. of India.*

The following notification, issued by the Government of India in the Legislative Department, published in the *Gazette of India*, dated the 8th May 1920, is republished for general information.

H. L. STEPHENSON,  
*Chief Secy. to the Govt. of Bengal.*

#### NOTIFICATION.

*Simla, the 7th May 1920.*

No. 55.—In pursuance of the provisions of Regulation XI (b) of the Regulations for the nomination and election of Additional Members of the Legislative Council of the Governor General, the Bengal Chamber of Commerce have elected Mr. Alexander Robertson Murray, C.B.E., to be an Additional Member of the Indian Legislative Council, *vice* Mr. Walter Erskine Crum, O.B.E., resigned.

H. P. DUVAL,  
*Offg. Secretary to the Govt. of India.*



The following orders, issued by the Government of India in the Army Department, published in the *Gazette of India*, dated the 7th May 1920, are republished for general information.

H. L. STEPHENSON,

*Chief Secy. to the Govt. of Bengal.*

*Simla, the 7th May 1920.*

#### APPOINTMENTS.

##### INDIAN DEFENCE FORCE.

###### *12th Eastern Bengal Railway Battalion.*

No. 819.—The undermentioned gentleman is granted a temporary commission, subject to His Majesty's approval:—

*To be Captain.*

William George Mitchell. Dated 23rd January 1920.

#### RESIGNATION.

##### INDIAN DEFENCE FORCE.

###### *1st (Cossipore) Brigade Mobile Artillery.*

No. 826.—Major Sidney Herbert Ashworth, V.D., is permitted, subject to His Majesty's approval, to resign his commission and to retain his rank on retirement. Dated 1st April 1920.

A. H. BINGLEY, *Major-General,*

*Secretary to the Govt. of India.*

The following notification, issued by the Government of India, in the Home Department published in the *Gazette of India*, dated the 22th May 1920, is republished for general information.

H. L. STEPHENSON,

*Chief Secy. to the Govt. of Bengal.*

#### NOTIFICATION.

##### POLICE.

*Simla, the 19th May 1920.*

No. 916.—In exercise of the power conferred by section 27 of the Indian Arms Act, 1878 (XI of 1878), the Governor General in Council is pleased to make the following amendments in the Indian Arms Rules, 1920, namely:—

In the first column of Schedule II to the said rules for the words "Burma and the North West Frontier Province" occurring in entries 1 and 3 the words "Burma, the North-West Frontier Province and the Delhi Province" shall be substituted.

H. MCPHERSON,

*Secy. to the Govt. of India.*



# The Calcutta Gazette

WEDNESDAY, JUNE 2, 1920.

## PART IA.

### **Orders and Notifications by the Government of India.**

The following notifications, issued by the Government of India in the Department of Commerce, published in the *Gazette of India*, dated the 22nd May 1920, are republished for general information.

H. L. STEPHENSON,  
*Chief Secy. to the Govt. of Bengal.*

#### NOTIFICATIONS.

##### CUSTOMS DUTIES.

*Simla, the 22nd May 1920.*

No. 2346.—In exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to exempt grain, pulse and flour, imported into British India from the 1st April 1920 to the 31st December 1920 from the customs duty leviable thereon under items Nos. 52 and 71 of Schedule II, Parts III and IV, to the Indian Tariff Act, 1894 (VIII of 1894), as subsequently amended.

##### CUSTOMS—WAR.

No. 2344.—The following Board of Trade List, dated the 23rd April 1920, on the subject of prohibitions of export from the United Kingdom, is published for general information:—

IMPORTS AND EXPORTS LICENSING SECTION,  
BOARD OF TRADE,  
Gt. GEORGE STREET,  
S. W. 1.

#### LIST OF EXPORT PROHIBITED GOODS.

23rd April 1920.

This list cancels all similar lists issued prior to the above date.

Lists A and B.  
List C.  
Open General Licences for Exports.  
Notes regarding Export to certain countries.  
Urgent Orders.  
Transshipment in the United Kingdom.



This consolidated "List of Export Prohibited Goods" is amended and issued fortnightly. Exporters who desire to have copies of each list posted to them during the current year can do so on payment of a registration fee of 2s. 6d. for one copy of each issue. Should more than one copy of each issue be required an additional payment should be made at the rate of 2d. per month to the end of the current year for each additional copy required.

Exporters who desire to have their names placed on the register should make application to the Stationery Clerk, Import and Export Licensing Section, enclosing Postal Orders payable to the Import and Export Licensing Section, Board of Trade.

Applications for licences and all correspondence should be addressed to:—

The Director, Import and Export Licensing Section,

Board of Trade, Gt. George Street,

S. W. 1.

#### LISTS A and B.

List of goods the export of which is prohibited from the United Kingdom by Royal Proclamations or by Order of Council,

A licence is required to export goods marked (A) to any destination abroad.

A licence is required to export goods marked (B) to any destination abroad, except British Possessions and Protectorates, to which goods marked (B) can be exported without licence, providing the goods are not transhipped at foreign ports.

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|---|---|
| <p>(B) Aeroplane engines and their component parts.</p> <p>(B) Aircraft, other than balloons, of all kinds, and their component parts, together with accessories and articles suitable for use in connection with aircraft.</p> <p>Alumina, <i>see</i> Phosphate Rock.</p> <p>(A) Ammonia, sulphate of, and mixtures containing sulphate of ammonia.</p> <p>(A) *Animals, living, for food (other than horses).</p> <p>Apatites, <i>see</i> Phosphate Rock.</p> <p>(A) Apparatus which can be used for the storage or projection of compressed or liquefied gases, flame, acids or other destructive agents capable of use in warlike operations and their component parts.</p> <p>(A) Armour plates, armour quality castings, and similar protective material.</p> <p>(A) Armoured motor-cars.</p> <p>(A) Arms, not being Firearms and their component parts.</p> <p>(A) Bacon and Ham, including Tinned Bacon and Ham.</p> <p>(A) Basic slag.</p> <p>(A) Bayonets and their component parts.</p> <p>Bran, <i>see</i> Offals of Corn.</p> <p>(A) Bread.</p> <p>Bullion, <i>see</i> Gold and Silver.</p> <p>(A) Butter.</p> | <p>(A) Calfskins.</p> <p>(A) Cannon and other ordnance, and their component parts.</p> <p>(A) Carriages and mountings for cannon and other ordnance and their component parts.</p> <p>(A) Cartridges, charges of all kinds, and their component parts, and tools, appurtenances and accessories for the filling and repair of rifle and shot-gun cartridges.</p> <p>Castings, <i>see</i> Armour Plates.</p> <p>Cattle hides, <i>see</i> Hides.</p> <p>Caustic potash, <i>see</i> Potash.</p> <p>(A) Cheese.</p> <p>(A) Coal, except coal allowed by the Commissioners of Customs and Excise to be shipped as bunker coal.</p> <p>(A) *Coal tar, all products obtainable therefrom and derivatives thereof, whether actually so obtained or derived from other sources (including all mixtures and preparations containing such products or derivatives), suitable for use in the manufacture of dyes or explosives.</p> <p>(A) Cocaine and its salts and preparations.</p> <p>(A) Cocoa, raw.</p> <p>(A) Cod liver oil and preparations containing cod liver oil.</p> <p>Coin, <i>see</i> Gold ; Silver.</p> <p>(A) Coke and manufactured fuel.</p> |
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\* Application for licence to export live-stock should be made on Application Form "L," copies of which can be obtained from the Stationery Clerk, Export Licence Department.

- (A) Confectionery manufactured wholly or partly of sugar.  
Corn offals, *see* Offals.  
Cows, bulls, etc., *see* Animals.
- (B) Docks, floating, and their component parts.
- (A) \*Dyes and dyestuffs, manufactured from Coal Tar products and articles containing such dyes and dyestuffs.
- (A) Eggs in shells.  
Engines, *see* Aeroplane.
- (A) Ergot of rye, and the liquid extract of ergot.
- (A) Explosives, except the following :—  
Blasting Gelatine, Gelignite, Gelatine, Dynamite, Viking Powder, Detonators, Electric Detonators, Monobel, Safety Fuses and Dynamite.
- (A) Firearms and their component parts.
- (A) Fish except the following :—  
tinned, preserved or frozen fish, chinchards, crabs, oysters, sprats, herrings, crayfish, prawns, shrimps, scallops, lobsters, fresh salmon and salmon trout.
- (A) Salmon, tinned
- (A) Flax, raw.  
Flour, *see* Rice ; Wheat.  
Foodstuffs, *see* specific headings  
Forage and food which may be used for animals, *see* specific headings, as, *e.g.*, Hay, etc.
- (A) Forage, green.
- Fuel, manufactured, *see* Coke.
- (A) Fruit, preserved, the following :—  
(i) Fruit, canned or bottled in water, the following :—  
Pears.  
Pineapples.  
Peaches.  
(ii) Fruit, canned or bottled in syrup, except Cherries.  
(iii) Fruit Pulp.  
(iv) Jam and Marmalade.
- (A) Game.
- (A) Gold coin and bullion.
- (A) Green forage.
- (A) Grenades and component parts thereof.
- (A) Guanos, except whale guano.  
Guns, *see* Cannon, Firearms, Machine-guns.
- (A) Hay.
- (A) Hides, British and Irish, cattle.
- (A) Husk meal.
- (A) Implements and apparatus designed exclusively for the manufacture of munitions of war or for the manufacture or repair of arms or of war material for use on land or sea.
- (A) Indigo, synthetic.  
Jam, *see* Fruit, preserved.
- (A) Lard; except imitation (compound) lard and neutral lard.
- (A) Lime phosphate, *see* Phosphate Rock.
- (A) Linseed.  
Livestock, *see* Animals.
- (A) Machine-guns, mountings for machine-guns, and component parts thereof.
- (A) Manures, compound, containing either sulphate of ammonia, superphosphate of lime, or potash.  
Marmalade, *see* Fruit, preserved.  
Meals, *see* Husk ; Wheat.
- (A) Meat, fresh and frozen, of all kinds, except offals, turtle meat and horseflesh.  
Middlings, *see* Offals of Corn.
- (A) Milk, condensed or preserved (other than milk powder).  
Mill dust and screenings, *see* Offals of Corn.
- (B) Mines and their component parts.
- (A) Nicotine and its compounds.  
†Notes of the Bank of France.  
Offals of corn and grain which may be used as food for animals, the following :—  
(A) Bran.  
(A) Middlings.  
(A) Mill dust and screenings.  
(A) Pollard.  
(A) Sharps.
- \* Oil, cod liver, *see* Cod Liver Oil.
- (A) Onions.
- (A) Opium and its preparations.
- (A) Opium alkaloids and their salts and preparations.  
Ordnance, *see* Cannon ; Carriages.
- (A) Phosphate rock, namely :—  
Apatites, Phosphates of lime and alumina.  
Pistols, *see* Firearms.  
Pollard, *see* Offals of Corn.
- (A) Potash, caustic, and articles containing caustic potash.

\*The following proprietary dyes may, however, be exported without licence to all destinations with which trading is permitted :—

Dolly dyes.	Drummer dyes	Diamond dyes.	Dixon's home dyes.
Fairy dyes.	Dainty dyes.	Dol's household dyes.	Maypole dyes.

† Notes of the Bank of France are prohibited to all destinations except to destinations in France.



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| <p>(A) Potash, muriate, sulphate, and crude manurial potash salts, and mixtures containing any of these substances.</p> <p>(A) Potassium carbonate and mixtures containing potassium carbonate.</p> <p>(B) Potassium permanganate.</p> <p>(A) Potatoes.</p> <p>(A) Poultry.</p> <p>Preserves, <i>see</i> Fruit, &amp;c.</p> <p>(A) Projectiles of all kinds and their component parts.</p> <p>(A) Quinine sulphate.</p> <p>(A) Rice and rice flour.</p> <p>Rifles, <i>see</i> Firearms.</p> <p>Salmon, tinned, <i>see</i> Fish.</p> <p>(A) Sausages, pork, except tinned pork sausages.</p> <p>Screenings, <i>see</i> Offals of Corn.</p> <p>Seeds, <i>see</i> Cereals mentioned by name.</p> <p>(A) Semolina.</p> <p>Sharps, <i>see</i> Offals of Corn.</p> | <p>Sheep, <i>see</i> Animals.</p> <p>(A) Silver bullion, specie and British coin.</p> <p>Skins, <i>see</i> Calfskins, Hides.</p> <p>Spirits <i>see</i> Whisky.</p> <p>(A) Sugar, cane and beet, <i>see also</i> Confectionery.</p> <p>(A) Superphosphates.</p> <p>(A) Tea other than green tea.</p> <p>(B) Torpedoes and their component parts.</p> <p>(B) Torpedo tubes.</p> <p>Vegetables, <i>see</i> Onions, Potatoes.</p> <p>Venison, <i>see</i> Game.</p> <p>(A) Vessels of 15 tons gross and over.</p> <p>(A) Wheat, wheat flour and wheat meal, and all articles, mixtures and preparations containing wheat, wheat flour, or wheat meal.</p> <p>(A) Whisky.</p> <p>(A) Yeast.</p> |
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## LIST C.

LIST C comprises all goods not included in List A or B.  
Goods on List C may be exported without licence to all destinations with which trading is allowed.

## GENERAL LICENCES FOR EXPORTS.

An open General Licence has been issued, permitting the exportation of the following goods (without application to the Import and Export Licensing section of the Board of Trade) to all destinations with which trading is allowed.

- |  |   |
|--|---|
| <p>Bird seed.</p> <p>Blanc-mange powder.</p> <p>Cake mixture.</p> <p>Cocoa and milk, coffee and milk, chocolate and milk, sweetened or unsweetened, in tins.</p> <p>Custard powder.</p> <p>Disinfectant powders containing not more than 10 per cent. coal tar derivatives.</p> <p>Gloy.</p> <p>Horseflesh.</p> <p>Koffio.</p> <p>Lactol.</p> <p>Lactogol.</p> <p>Mango chutney, tomato chutney, and tomato ketchup.</p> <p>Marmite.</p> | <p>Mincemeat and mince pies.</p> <p>Mixtures and preparations containing not more than 10 per cent. aniline colour, not otherwise prohibited.</p> <p>Ointments containing not more than 10 per cent. coal tar derivatives.</p> <p>Paisley flour.</p> <p>"Phosto" animal food.</p> <p>Pudding powder.</p> <p>Puddings.</p> <p>Restorine.</p> <p>Soaps containing not more than 10 per cent. coal tar derivatives.</p> <p>Tooth-powders containing not more than 10 per cent. coal tar derivatives.</p> <p>Vanilla custard.</p> |
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## SAMPLES.

An Open General Licence has been issued which permits the free export of all *bona fide* samples of prohibited goods to all destinations with which trade is now permitted. Samples exported under this licence may be used only for genuine sample purposes, *i.e.*, for obtaining orders from foreign buyers, and may not be sold except with the written consent of the Import and Export Licensing Section; but such consent may be dispensed with when it is desired to sell the articles in the country of destination after they have fulfilled their purpose as samples. Exporters will be required to satisfy

the Customs Authorities that the goods presented for export under this licence are *bond-fide* samples, and to make a declaration to that effect on the relative shipping documents.

This notice only applies to samples of goods which require licences for export to the particular destination concerned.

In addition, the consent of the Import and Export Licensing Section is not required for the sale of samples which, though within this scheme at the actual time they were exported, could be exported outside the scheme at the actual time of the proposed sale.

#### OPEN GENERAL LICENCE FOR COAL EXPORTS.

An Open General Licence has been issued, with effect from Thursday, 1st January 1920, permitting the export of coal, coke and manufactured fuel to all destinations abroad except Russia (other than Esthonia, Lettland and Lithuania), Germany, Hungary, Austria, Turkey and Bulgaria, subject always to the approval, previously obtained, of the Controller of Coal Mines or his duly authorised representative, and subject to shipment being made in a vessel approved by the Commissioners of Customs and Excise or their Officers.

The Customs Authorities will require pre-entry to be made in all cases; and at ports where there is a duly authorised local representative of the Controller of Coal Mines (*see* list below), the approval referred to above will be signified by his endorsement on the pre-entry form, which must be presented to him for the purpose before shipment.

Where shipment is proposed to be made from a port not included in the list given below, it will be necessary for application for the Controller's approval to be made to the Export Branch of the Coal Mines Department in London. Shipments from all ports in the United Kingdom to the destinations excluded from the purview of the general licence must still be covered by an export licence from the Coal Mines Department.

The following are the ports shipments from which will be covered by the local representative's endorsement on pre-entry:—

District.	Controller's Representative.
All Scottish ports ...	Mr. W. D. Fuller, 4, Dunlop Street, Glasgow.
From Amble to Middlesbrough inclusive ...	Mr. W. R. Fisher, Guildhall Chambers, Quayside, Newcastle-on-Tyne.
Humber ports (Hull to Grimsby inclusive) ...	Mr. A. D. Upton, 120, Alfred Gelder Street, Hull.
Mersey ports and all ports in Lancashire and Cumberland	Mr. J. Melrandi, Dock Board Offices, Liverpool.
From Burry Port to Newport inclusive ...	Mr. L. R. Lewis, Cymrie Buildings, Cardiff.

#### OPEN GENERAL LICENCE FOR THE EXPORT OF SMOOTH-BORE GUNS AND MUNITIONS FOR USE THEREWITH.

An Open General Licence has been issued for the export of smooth-bore guns and munitions for use therewith, to the destinations given below, to which, therefore, exports may be made subject to the usual Customs formalities without applications for specific licences to the Import and Export Licensing Section.

British Possessions and Protectorates.

French Possessions and Protectorates.

United States of America.

South America.

Japan and Korea.

Asiatic Russia.

France, Belgium, Spain, Portugal, Greece, Italy, Jugo-Slavia, Roumania, Norway, Sweden, Denmark, Holland, Switzerland, Iceland, Czecho-Slovakia, Panama, Nicaragua, Honduras, Guatemala, Costa Rica, Cuba, San Salvador, San Domingo, and Hayti.



In accordance with Article 6, Chapter 2, of the "Convention for the Control of the Trade in Arms and Ammunition", all consignments of Arms and Ammunition proceeding into or through any of the Prohibited Areas set out below will require a Specific Export Licence.

The Prohibited areas are:—

(1) The whole of the Continent of Africa, with the exception of Algeria, Libya, and the Union of South Africa. (Within this area are included all islands situated within a hundred nautical miles of the coast, together with Prince's Island, St. Thomas Island, and the Islands of Annobon and Socotra).

(2) Transcaucasia, Persia, Gwadar, the Arabian Peninsula and such continental parts of Asia as were included in the Turkish Empire on August 4, 1914.

(3) A maritime zone including the Red Sea, the Gulf of Aden, the Persian Gulf and the Sea of Oman, and bounded by line drawn from Cape Guardafui, following the latitude of that cape to its intersection with longitude  $57^{\circ}$  east of Greenwich, and proceeding thence direct to the eastern frontier of Persia on the Gulf of Oman.

#### OPEN GENERAL LICENCE FOR THE EXPORT OF AIRCRAFT, ETC.

An Open General Licence has been issued for the export of the under-mentioned goods to all destinations except Russia, Germany, Hungary, Austria, Turkey and Bulgaria. Applications are no longer to be made to the Import and Export Licensing Section of the Board of Trade in respect of the export of these goods to countries other than those mentioned:—  
"Aeroplane engines and their component parts. Aircraft, other than balloons of all kinds, and their component parts, together with accessories and articles suitable for use in connection with aircraft."

#### OPEN GENERAL LICENCE FOR THE EXPORT OF PARCELS CONTAINING MISCELLANEOUS FOODSTUFFS.

An Open General Licence has been issued for the export by parcel post of parcels containing one or more varieties of foodstuffs (for the personal use of the addressee and *not* for trading purposes) to all destinations with which trading is allowed, provided that any such parcel may not contain more than two pounds of sugar or more than one pound of butter. Applications need, therefore, no longer be submitted to the Import and Export Licensing Section in respect of the export of such parcels by parcel post.

#### NOTES REGARDING EXPORT TO CERTAIN COUNTRIES.

Exporters are warned that there are import prohibitions in some foreign countries, information regarding which can be obtained from the Department of Overseas Trade, 35, Old Queen Street, Westminster, S.W.-1, and 73, Basinghall Street, E. C. 2. The issue of an export licence implies no guarantee that the goods will be admitted into the country of destination.

There is no parcel post to Esthonia, Jugo-Slavia (except Dalmatia), Lettland (Latvia), Lithuania, Poland.

Germany.—Gift parcels sent by parcel post may enter Germany without import licence and also free from duty and taxes, provided they do not contain more than 2 kilos (70 ozs.) of tobacco.

Russia (European).—Conditions under which trading with European Russia will be permissible are at present under consideration.

Syria.—A Parcel Post Service is in operation north of Acre to Alexandretta, and west of Aleppo, including—

Beyrout, Damascus, Hamah, Homs, Latakia, Rayak and Tripoli.

Turkey.—Parcels for civilians in Turkey and Smyrna will only be accepted if they are fully addressed "c-o Poste Restante, British Army Post Office, Constantinople" (and-or Smyrna), and parcels must be *called* for at the British Post offices.

#### URGENT ORDERS.

The Import and Export Licensing Section, Board of Trade, announces that, in collaboration with the Department of Overseas Trade, an arrangement has been made whereby firms receiving orders which require immediate acceptance may telegraph details of any such order to the Department

of Overseas Trade in order to ascertain whether a licence will be granted for the export of the goods if the order is accepted.

In the event of an applicant being promised a licence he will be enabled to deal with the order straightaway with the knowledge that upon application being made in the proper form to the Import and Export Licensing Section (Board of Trade) the licence will be granted.

The telegrams should be addressed to "Orders, c-o Advantage, Stock, London." They should give in each case in addition to the name and postal or telegraphic address of the applicant the quantity and description of the goods comprised in the order and the name and address of the ultimate consignee if the goods are destined for a neutral country. In the case of orders from Allied or British Territory or from Territory in the occupation of troops of the Associated Governments, the consignee need not be stated; and it will be sufficient merely to give the country of destination. A reply of 24 words (1-3) must be prepaid.

Applicants are requested in their own interest to confine their enquiries to orders needing a very urgent decision, since the fewer the enquiries the more promptly can answers be given.

Any subsequent correspondence that is necessary in connection with the telegraphic enquiries should be addressed to the Comptroller General, Department of Overseas Trade (Export Facilities Section), 35, Old Queen Street, Westminster, S. W.-1.

#### TRANSHIPMENT IN THE UNITED KINGDOM.

The provisional approval of the Import and Export Section, Board of Trade, should be obtained before the following goods are brought to this country for transshipment:—

Bacon, ham and lard of all kinds.

It is not now necessary to make application to the Collector of Customs at the transshipment ports on Form S. 90 for the transshipment of any goods except those specified in the following list:—

Foodstuffs for animal or human consumption which are on section "A" or "B" of the list of prohibited exports (including tea and cocoa).

Seeds oils and fats on Section "A" of the list of prohibited exports.

Synthetic dyestuffs.

Ergot.

Quinine sulphate.

Caustic potash.

Potassium carbonate.

C. A. INNES,

*Secretary to the Govt. of India.*

The following notification, issued by the Government of India in the Board of Industries and Munitions, published in the *Gazette of India* dated the 22nd May 1920, is republished for general information.

H. L. STEPHENSON,

*Chief Secy. to the Govt. of Bengal.*

#### NOTIFICATION.

*Simla, the 21st May, 1920.*

*NoE.- 1243.*—The services of Mr. J. E. Armstrong, officiating Deputy Inspector-General of Police, Criminal Investigation Department, Bengal, on special duty under the Board of Industries and Munitions, are replaced at the disposal of the Government of Bengal, with effect from the 27th March 1920.

F. R. R. RUDMAN,

*Secretary, Board of Industries and Munitions.*



The following resolution, issued by the Government of India in the Department of Finance, published in the *Gazette of India*, dated the 22nd May 1920, is republished for general information.

H. L. STEPHENSON,

*Chief Secy. to the Govt. of Bengal.*

# RESOLUTION.

No. 785-F.E

*The 12th May 1920.*

Despatch from His Majesty's Secretary of State for India, No. 6-Accounts, dated the 15th April 1920, and enclosures.

ORDERED that the despatch and its enclosures be published in the *Gazette of India* for general information.

INDIA OFFICE, LONDON,

*15th April 1920.*

Accounts,

No. 6.

TO HIS EXCELLENCY THE RIGHT HONOURABLE THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

MY LORD,

With reference to my predecessor's Despatch, Financial (Funds), No. 3, dated 28th April 1916, fixing the date of the next valuation of the Indian Civil Service Family Pension Scheme as at the 31st March 1918, I enclose herewith a copy of the Report of the Actuary, Mr. J. Douglas Watson, F.I.A., as at that date, with copies of a letter sent to him on the 23rd February 1920, relative to that Report, and of his reply dated the 24th of the same month.

I also enclose a statement of the consolidated accounts for the period from 1st April 1911 to the 31st March 1918.

2. The valuation, which was made on a 4 per cent. basis, showed that there was a surplus in the capitalised value of the assets, actual and contingent, over the capitalised liabilities, actual and contingent, of 223,239l. The continuation of the reduction of 12½ per cent. in the subscriptions, which has been in force since the 1st August 1908, would absorb 102,168l. of this surplus, leaving 121,071l. undistributed.

3. For the reasons set forth in the letter to Mr. Watson dated the 23rd February 1920, I have decided, while continuing the 12½ per cent. reduction in subscriptions as at present, to increase by 25 per cent. all pensions that may be payable in respect of the period from the 1st January 1920 to the 31st December 1924, or any part of that period. I have sanctioned this increase on the distinct understanding that it may not be continued beyond the 31st December 1924. I feel sure that the disposal of a large portion of the surplus by granting this increase will commend itself to the judgment of the subscribers. No increase will be made in the donations payable to daughters on marriage.

This exceptional step of temporarily increasing pensions has been rendered possible by the decision to allow for the present 5½ per cent. interest on the half-yearly balances in the *pro forma* accounts with effect from the 1st April 1919. The additional ½ per cent. is subject to withdrawal on six months' notice.

4. I have to request that you will publish the Actuary's Report, with the letters of the 23rd and 24th February, also this Despatch, in the *Gazette*

*of India.* Interest on arrears of contributions should be increased to  $5\frac{1}{2}$  per cent. with effect from the first day of the month following publication. The date of publication should be communicated to me by telegram, and as soon as possible thereafter copies of the amended Regulations will be despatched.

I have the honour to be,

MY LORD,

Your Lordship's most obedient humble Servant,

ED. S. MONTAGU.

#### ENCLOSURES.

ENCLOSURE No. 1:—*Mr. J. Douglas Watson, F.I.A., to India Office.*

32, Moorgate Street, E.C. 2,  
15th December 1919.

SIR,

In accordance with instructions conveyed to me by the Accountant-General and Director of Funds in his letter of the 26th March 1918, I have investigated the financial position of the Indian Civil Service Family Pensions Scheme as at 31st March 1918.

2. The previous actuarial investigation into this scheme was made by the late Sir George Francis Hardy as at 31st March 1911, and in that connection he made a very elaborate investigation into the past experience of the fund, supplemented, where it seemed useful, by data derived from the Bengal, Madras and Bombay Civil Funds, with a view to the preparation of the necessary tables to determine what is likely to be the future experience of the Fund with regard to—

- (a) the rates of mortality at various ages of subscribers and of actual and prospective incumbents;
- (b) the rates of marriage of the widows and of the daughters of subscribers;
- (c) the rates of marriage of unmarried subscribers and the relative ages of husbands and wives at marriage;
- (d) the number of sons and daughters born to subscribers of various ages; and
- (e) the ages at which subscribers will retire from active service.

From the data available suitable graduated tables were produced, which Sir George Hardy in his Report of 11th November 1913 stated might be regarded as a really trustworthy basis for the financial estimates and one which would be of value in the future. The tables in question are for convenience reprinted at the end of this Report (Appendix A, Table A).

3. In connection with the present investigation, I have been furnished by the Accountant-General and Director of Funds with full statistics relating to the Fund as at 31st March 1918, and for the seven intervening years since the date as at which the last investigation was made. The first point requiring investigation was how far the experience of the Fund since 1914 has, in fact, coincided with the above-mentioned tables prepared by Sir George Hardy with a view to seeing whether such tables could properly again be used upon this occasion.

4. As the result of a full investigation into the new facts, I am of opinion that Sir George Hardy's tables may again be adopted (with one unimportant exception, which will be referred to below) but it will be convenient, if only for purposes of record, briefly to deal with the figures for the seven years 1911-1918 under each head in detail.

#### *Mortality of Subscribers.*

5. The following table gives a summary of the experience with respect to the mortality of subscribers, both active and retired, the facts being arranged for convenience in quinquennial groups of ages:—



TABLE I.

## Mortality Experience of Subscribers—Active and Retired, 1911-1918.

Ages.	Actual Number of Deaths.	Number expected by Table A.
24-29	15	15
30-34	16	13
35-39	15	11
40-44	13	15
45-49	13	14
50	6	6
Total	78	74

From this table it will be seen that the number of deaths was 78, which is four more than the number "expected" by Table A. This deviation is unimportant.

*Mortality of Wives of Subscribers.*

6. During the period 30 wives died, which is six more than "expected" under Table A, but the total figures are so small that no particular significance can be attached to this fact.

*Mortality of Widows and Daughters of Subscribers.*

7. Only two widows died during the period, which was the number "expected" under Table A, while with regard to the daughters 22 died as against 28 deaths "expected."

*Mortality of Sons of Subscribers.*

8. In the case of the sons of subscribers the number who died was 46 as against 28 "expected" under Table A. Of the 43 deaths, however, 19 are returned as war casualties. Making allowance for this fact, it will be seen that what may be regarded as the normal mortality has closely approximated to that expected.

*Marriages.*

9. (a) *Single Subscribers.*—During the period there were 291 marriages of single subscribers as against 309 "expected," showing as close an approximation between the actual and "expected" marriages as could reasonably be anticipated.

(b) *Widows.*—Here there were 10 marriages as against five "expected" under Table A. In the case of re-marriages of widows, not only is the experience during the period very small, but the rates given in Table A are themselves based, as was pointed out by Sir George Hardy, upon very scanty data, and it is not surprising that there should be some deviation between the actual and "expected" results. There seems, therefore, in my judgment at present no adequate reason for modifying the Table A rates, and in any case, having regard to the small financial effect of this particular item on the investigation, this point is of no practical significance.

(c) *Daughters.*—During the period there were 45 marriages of daughters of subscribers at the ages shown in the following Table:—

TABLE II.

## Marriages of Daughters, 1911-1918.

Ages.	Actual Number of Marriages.	Number expected by Table A.
Under 20	4	4
20-24	28	11
25-29	13	4
Total	45	19

It will be seen that the number of marriages of daughters considerably exceeded the "expected" under Table A. In this connection it must be borne in mind that, as pointed out by Sir George Hardy, the marriage rates deduced by him were based mainly upon the experience of the old Funds. In order, therefore, to provide for the possibility of a fall in the marriage rate in the future, he arbitrarily reduced the rates indicated by the past experience by 25 per cent., and it is such reduced rates which are shown in Table A. So far as there has been any rise in the number of marriages during the last few years, this may quite likely have been due to special circumstances connected with the war. Moreover, it is possible that the marriage rate in the immediate future may tend to fall owing to the social and economic after-effects of the war. For these reasons, and bearing in mind the fact that any fall in the marriage rate in the future would have an adverse effect on the Fund, it has not been considered advisable to assume on this occasion a higher marriage rate than that shown in Table A.

#### *Births of Future Children.*

10. (a) *Sons*.—The number of sons born was 347 as against 324 "expected," a sufficiently close approximation. Moreover, the ratio of the number of married men at each age to the total number of subscribers at that age has not altered materially. With regard to sons, therefore, it is satisfactory to adopt the Table A rates.

(b) *Daughters*.—The number of daughters born was 331 as against 298 "expected." With regard to these figures it will be noticed that the actual number of daughters born, 331, is about 5 per cent. less than the number of sons born, 347; which is a proportion found normally to obtain in similar experiences. This fact suggested an enquiry as to the former data upon which the Table A rates were based, and it was found that for the six years 1900—1905, and again for the six years 1906—1911, the number of sons born exceeded the number of daughters born by 20 per cent. in each period. No particular reason suggests itself why what can only be regarded as the very abnormal experience up to 1911 should recur, and it was therefore decided to base the present valuation on the more normal experience of the immediately preceding seven years. In order to carry this out it has been on this occasion assumed that the birth rate of daughters would in future correspond with that given for sons in Table A. The "expected" births on this basis during the past seven years would have been almost exactly equal to the actual births.

#### *Number and Ages of Subscribers entering the Service.*

11. The following table gives the numbers and average ages of subscribers entering the service:—

TABLE III.

#### Number and Ages of Subscribers entering the Service.

Year of entry.	Numbers.	Average age.
1911	60	24·3
1912	48	24·3
1913	47	24·4
1914	43	24·3
1915	45	24·3
1916	14	24·2
1917	9	24·5

From this table it will be seen that throughout the period the average age at entry has been 24·3, which is practically the same as during the previous six years. With regard to the numbers entering the service, it will be noticed that these fell off considerably during the later years of the war.

#### *Retirements of Subscribers.*

12. The number of subscribers who retire from active service at the various ages is a very important factor in such a Fund as this, and Sir George



Hardy in his Report (paras. 19-24) went very carefully into the questions involved. The special difficulty in dealing with these points in connection with this particular Fund is that, owing to the date at which it was established, comparatively few of the members have reached the normal age of retirement. Moreover, since the Fund was established the average age at entry, which in the early days was 21, has increased to slightly over 24, which fact may be expected ultimately somewhat to increase the average age at retirement, while on the other hand the fact that subscribers are no longer required to pay their monthly subscriptions after retirement may tend in the other direction. Bearing these considerations in mind, and after careful examination of the data of the last seven years, I am of opinion that while there is not at the present time sufficient justification for definitely assuming that retirements will ultimately take place earlier than at an average age of 50, it would be wise somewhat to strengthen the valuation in this respect to provide a margin for future contingencies, and this has accordingly been done.

#### *Withdrawals of Subscribers.*

13. Having regard to the present rules, the influence of withdrawals on the Fund is insignificant and may be neglected.

#### *Basis of Valuation.*

14. The valuation has been based upon the rates of mortality, marriage, etc., as explained above, combined with interest at the rate of 4 per cent. in accordance with instructions. This involves the assumption that in the case of each succeeding valuation the capital will from year to year be credited with interest at the rate of not less than 4 per cent. so long as any of the existing contracts remain in force.

#### *Results of the Valuation.*

15. The valuation balance-sheet appended to this report (Appendix B) shows in detail the results of the valuation upon the assumptions described above, and assuming that the full rates of contributions and donations as set out in Regulation 10 are payable in future.

16. It will be seen that there was as on the 31st March 1918 a surplus, according to the present valuation, of 223,239*l.*, which figure may be compared with the corresponding surplus of about 130,000*l.* disclosed in the previous valuation after taking into account the financial effect of the modifications in the rules then in contemplation and now in force.

17. It will be observed that the surplus on the present occasion considerably exceeds the corresponding surplus at the previous valuation. I have roughly investigated the reason for this, and find that the larger surplus is partly due to the rate of interest allowed on the half-yearly balances having been at the increased rate of 4½ per cent. from 1st April 1911 to 31st March 1914 (when the rate was again reduced to 4 per cent.), but mainly on account of the experience of the Fund during the seven years having, as regards many material items, worked out somewhat more favourably than provided for by the tables upon which the valuation was based.

18. Assuming that on this occasion it were decided to continue the abatement of 12½ per cent. at present allowed off the contributions, this would absorb 102,168*l.* of the above-mentioned surplus and would leave 121,071*l.* of the surplus undistributed. This undistributed surplus would represent 7½ per cent. of the Fund, which would not be an unreasonable amount to keep in hand in a Fund of this description if the abatements in the contributions allowed were permanent. Having regard, however, to the following considerations :—

- (a) that the abatement in subscriptions allowed is subject to revision after each valuation ;
- (b) that, as explained above, during the last seven years on the whole the experience of the Fund has been somewhat more favourable than that anticipated ; and
- (c) that it has been decided to allow interest at the rate of 5 per cent. on the half-yearly balances of the Fund (which will in itself have a very favourable effect upon the next valuation).

I am of opinion that until the date of the next valuation the abatement in the subscriptions might safely be increased to 20 per cent., which recom-

mentation, if adopted, would absorb 163,469*l.* of the surplus now disclosed, leaving 59,770*l.* to be carried forward.

*Non-European Members of the Indian Civil Service.*

19. It remains to deal with the further question upon which I am instructed to report, namely, as to the effect, if any, on the Fund of the admission to membership of non-European members of the Indian Civil Service.

20. It is understood that it is now compulsory for non-European probationers admitted in August 1914 and thereafter to join the Fund, and in accordance with present arrangements such members pay the same rates of subscription and receive the same benefits as the European members. At the time these new arrangements were authorised it was recognised that, in the absence of sufficient material on which to base an investigation of the liabilities that would be incurred through the admission of non-Europeans to the Pension Scheme, no good purpose would be served by taking actuarial advice on the point [*see* Despatch (Financial), No. 70, dated 23rd May 1913].

21. Since the new arrangements came into force in 1914 the number of non-European members admitted to the Fund has been 22, all of whom were under 30 years of age on the 31st March 1918, and it is therefore still clearly impossible to base any conclusions of value upon such small foundations. At the same time I recommend that the statistics relating to this class continue to be kept separately as they may ultimately prove useful. In the meantime these 22 members are, of course, included in the present valuation with the other members.

I have, &c.,

The Secretary of State  
for India.

J. DOUGLAS WATSON.

**APPENDIX A.**

TABLE A.

*Rates of Mortality, Marriage and Issue.*

Age last Birthday.	Mortality Rates.				Marriage Rates.			Births per 1,000 Subscribers.	
	Subscribers.	Wives.	Sons.	Daughters and Widows.	Single Subscribers.	Widows.	Daughters.	Sons.	Daughters.
0	...	...	·0522	·0558					
1	...	...	·0119	·0126					
2	...	...	·0059	·0061					
3	...	...	·0041	·0042					
4	...	...	·0031	·0031					
5	...	...	·0024	·0024					
6	...	...	·0021	·0021					
7	...	...	·0019	·0019					
8	...	...	·0018	·0018					
9	...	...	·0018	·0017					
10	...	...	·0018	·0017					
11	...	...	·0019	·0018					
12	...	...	·0020	·0019					
13	...	...	·0022	·0019					
14	...	...	·0025	·0020					
15	...	...	·0027	·0021					
16	...	...	·0028	·0021	...	...	·0009		
17	...	...	·0029	·0022	...	...	·0027		
18	...	·0044	·0029	·0022	...	...	·0054		
19	...	·0043	·0029	·0022	...	...	·0090		



TABLE A—continued.

Age last birthday.	Mortality Rates.				Marriage Rates.			Births per 1,000 Subscribers.	
	Subscribers.	Wives.	Sons.	Daughters and Widows.	Single Subscribers.	Widows.	Daughters.	Sons.	Daughters.
20	...	·0042	·0029	·0022	...	·0484	·0137		
21	...	·0041	...	·0023	...	·0511	·0195		
22	·0064	·0041	...	·0023	...	·0515	·0265		
23	·0081	·0040	...	·0023	...	·0505	·0338		
24	·0097	·0040	...	·0024	·0520	·0483	·0402	5·3	5·2
25	·0108	·0039	...	·0024	·0670	·0455	·0437	13·1	12·5
26	·0112	·0039	...	·0025	·0800	·0423	·0429	22·5	20·8
27	·0105	·0038	...	·0025	·0910	·0389	·0386	32·9	29·8
28	·0093	·0038	...	·0026	·1000	·0355	·0329	43·6	38·1
29	·0080	·0037	...	·0027	·1070	·0321	·0276	53·5	45·8
30	·0069	·0037	...	·0027	·1120	·0289	·0237	62·0	51·8
31	·0064	·0037	...	·0028	·1150	·0257	·0211	68·3	55·8
32	·0062	·0037	...	·0029	·1170	·0228	·0195	72·0	57·9
33	·0063	·0037	...	·0030	·1180	·0201	·0185	73·3	58·3
34	·0066	·0038	...	·0031	·1180	·0175	·0177	72·6	57·3
35	·0069	·0038	...	·0032	·1170	·0152	·0170	70·3	55·3
36	·0072	·0039	...	·0034	·1140	·0132	·0162	66·9	52·5
37	·0075	·0039	...	·0035	·1100	·0113	·0152	62·6	49·4
38	·0078	·0040	...	·0036	·1060	·0096	·0141	58·1	45·8
39	·0081	·0041	...	·0038	·1010	·0082	·0129	53·1	42·3
40	·0084	·0043	...	·0040	·0960	·0068	·0116	48·1	38·6
41	·0087	·0044	...	·0042	·0910	·0057	·0102	42·8	35·1
42	·0090	·0046	...	·0044	·0860	·0047	·0088	37·6	31·4
43	·0093	·0048	...	·0047	·0810	·0039	·0074	32·4	27·7
44	·0096	·0051	...	·0050	·0760	·0032	·0060	27·3	24·0
45	·0100	·0053	...	·0053	·0710	·0026	·0047	22·5	20·2
46	·0105	·0056	...	·0056	·0660	·0021	·0035	17·9	16·6
47	·0110	·0060	...	·0060	·0610	·0016	·0025	13·8	13·1
48	·0115	·0064	...	·0064	·0570	·0013	·0017	10·2	10·0
49	·0120	·0068	...	·0068	·0530	·0010	·0011	7·3	7·3
50	·0127	·0073	...	·0073	·0490	·0007	·0006	5·0	5·2
51	·0134	·0078	...	·0078	·0450	·0005	·0003	3·4	3·5
52	·0141	·0084	...	·0084	·0410	·0003	·0001	2·2	2·3
53	·0151	·0090	...	·0090	·0370	·0002	...	1·3	1·5
54	·0159	·0097	...	·0097	·0330	·0001	...	·8	·9
55	·0169	·0105	...	·0105	·0300	...	...	·5	·5
56	·0180	·0114	...	·0114	·0270	...	...	·3	·3
57	·0192	·0123	...	·0123	·0240	...	...	·1	·2
58	·0206	·0134	...	·0134	·0210	...	...	...	·1
59	·0221	·0145	...	·0145	·0190	...	...	...	...
60	·0237	·0157	...	·0157	·0170	...	...	...	...
61	·0255	·0171	...	·0171	·0150	...	...	...	...
62	·0275	·0186	...	·0186	·0130	...	...	...	...
63	·0296	·0203	...	·0203	·0110	...	...	...	...
64	·0320	·0222	...	·0222	·0090	...	...	...	...

TABLE A—concluded.

Age last Birthday.	Mortality Rates.				Marriage Rates.			Births per 1,000 Subscribers.	
	Subscribers.	Wives.	Sons.	Daughters and Widows.	Single Subscribers.	Widows.	Daughters.	Sons.	Daughters.
65	·0347	·0242	...	·0242	·0070				
66	·0376	·0264	...	·0264	·0050				
67	·0407	·0288	...	·0288	·0035				
68	·0442	·0315	...	·0315	·0020				
69	·0481	·0344	...	·0314	·0010				
70	·0523	·0377	...	·0377					
71	·0570	·0413	...	·0413					
72	·0621	·0452	...	·0452					
73	·0677	·0495	...	·0495					
74	·0740	·0542	...	·0542					
75	·0808	·0595	...	·0595					
76	·0883	·0652	...	·0652					
77	·0965	·0715	...	·0715					
78	·1054	·0784	...	·0784					
79	·1156	·0861	...	·0861					

The above rates are "central" rates and refer to the middle of the year of age.

*Note.*—The rates printed above are taken from the report by Sir George Francis Hardy, dated 11th November 1913, and have been employed in the present valuation with the exception of the birth rate for daughters, as to which see paragraph 10 (b) of this Report.

## APPENDIX B.

## INDIAN CIVIL SERVICE FAMILY PENSIONS.

Valuation at 4 per cent. of Assets and Liabilities as at 31st March 1918.

Assets.	Capitalised Value.	Liabilities.	Capitalised Value
	£		£
Contributions payable :—		Contingent pensions :—	
In respect of present wives ...	451,675	To present wives ...	1,072,130
In respect of future wives ...	159,394	To future wives ...	269,437
In respect of present daughters...	44,398	To present daughters ...	288,501
In respect of future daughters ...	34,966	To future daughters ...	112,856
In respect of present sons ...	26,745	To present sons ...	46,883
In respect of future sons ...	19,654	To future sons ...	37,996
By bachelors and widowers ...	80,511		
Donations payable :—		Immediate pensions :—	
In respect of future wives, &c. ...	64,325	To widows ...	276,620
Capital ...	1,622,532	To remarried widows ...	40,314
		To daughters ...	98,996
		To sons ...	27,228
		Estimated surplus ...	223,239
	£2,504,200		
			£2,504,200



ENCLOSURE No. 2.—*India Office to Mr. J. Douglas Watson, F.I.A.*

India Office,  
23rd February 1920.

SIR,

I am directed to acquaint you that the Secretary of State for India in Council has had under consideration your Report, dated the 15th December 1919, on the Valuation of the Indian Civil Service Family Pensions, from which it appears that a reduction in the rates of subscription at present paid by the members might safely be made.

It is contrary to precedent and to accepted views regarding the application of a surplus to apply it to temporary benefits, but the existing circumstances seem to justify a departure from previous practice, and the Secretary of State feels that at the present time various reasons exist for adopting, as an alternative to a reduction of subscription, some method for securing benefits to widows and children drawing pensions under these Regulations, if this can be done without impairing the stability of the scheme and with due consideration for the interest of existing subscribers.

As regards the latter, an important point to be borne in mind is that, as the contributions are fixed in sterling, the recent large rise in the value of the rupee has the effect of greatly reducing the sums payable by them, so that they are independently receiving a large benefit which does not accrue to the pensioners.

Several factors, which do not immediately affect the present valuation, may perhaps be expected to have some disturbing influence on the future position of the scheme, such as the recent reduced entries into the service to be made good later, the possibility of some early retirements, and some other indirect effects of the war, so that it would seem undesirable to increase existing and future pensions permanently. On the other hand the Secretary of State has recently decided that, with effect from 1st April 1919, interest shall be allowed on the half-yearly balances at  $5\frac{1}{2}$  per cent., the additional  $\frac{1}{2}$  per cent. being subject to withdrawal on six months' notice. In view of this decision and of the position disclosed by your valuation, he is disposed to think that without prejudicing the future of the scheme a temporary addition until the 31st December 1924 of at least 25 per cent. might be made to the pensions of all present pensioners with effect from the 1st January 1920, and of those hereafter admitted during the five years to 31st December 1924. The addition might perhaps be more if it were to be subject to reconsideration in the event of any reduction being made from  $5\frac{1}{2}$  per cent. in the rate of interest on balances.

Before coming to a decision, the Secretary of State would be glad to have any comments that you may be disposed to make on the above proposal.

J. Douglas Watson, Esq., F.I.A.

I have, &c.,  
R. G. JAQUET.

ENCLOSURE No. 3.—*Mr. J. Douglas Watson, F.I.A., to India Office.*

32, Moorgate Street, E. C.  
24th February 1920.

SIR,

Ref. A. G. (Funds) 101719.

I am in receipt of your letter of yesterday's date, and in reply beg leave to say that if it is desired—

- (1) to continue the existing  $12\frac{1}{2}$  per cent. reduction on contributions, and
- (2) as a temporary measure, as from the 1st January 1920 until the 31st December 1924, to increase all incumbent pensions payable by the Fund by 25 per cent.

I am of opinion that this can safely be done without impairing the stability of the scheme, and with due consideration for the interests of existing subscribers, if during this period the interest allowed on the half-yearly balances is maintained at not less than  $5\frac{1}{2}$  per cent.

The Under-Secretary of State for India.

I am, &c.,  
J. D. WATSON.

ENCLOSURE No. 4.—*Receipts and Payments during each half-year from 1st April 1911 to 31st March 1918.*

## RECEIPTS.

	In India.			In England.			Total.		
	£	s.	d.	£	s.	d.	£	s.	d.
Half-year ended—									
30th September 1911 ...	26,012	15	11	8,874	14	5	34,887	10	4
31st March 1912 ...	30,864	15	1	9,234	9	2	40,099	4	3
30th September 1912 ...	28,739	4	0	8,535	17	8	37,275	1	8
31st March 1913 ...	31,148	7	10	9,078	11	10	40,226	19	8
30th September 1913 ...	29,581	15	0	10,427	12	8	40,009	7	8
31st March 1914 ...	33,478	15	11	9,857	5	5	43,335	1	4
30th September 1914 ...	31,763	10	7	8,019	4	6	39,782	15	1
31st March 1915 ...	37,491	8	1	2,517	18	9	40,009	6	10
30th September 1915 ...	35,891	3	4	3,444	11	7	39,335	14	11
31st March 1916 ...	37,613	6	10	6,166	2	9	43,779	9	7
30th September 1916 ...	36,160	18	7	7,905	14	0	44,066	12	7
31st March 1917 ...	38,128	4	10	6,176	17	4	44,305	2	2
30th September 1917 ...	36,519	10	9	4,969	7	11	41,488	18	8
31st March 1918 ...	40,817	3	10	4,728	13	1	45,545	16	11
Total ...	474,211	0	7	99,937	1	1	574,148	1	8*

\* This includes a total of 1,567L. 2s. 6d. on account of Asiatics, particulars of which are shown separately.

## PAYMENTS.

	In India.			In England.			Total.		
	£	s.	d.	£	s.	d.	£	s.	d.
Half-year ended—									
30th September 1911 ...	397	15	6	6,626	4	11	7,024	0	5
31st March 1912 ...	266	5	0	7,134	14	1	7,400	19	1
30th September 1912 ...	140	12	6	8,085	7	11	8,226	0	5
31st March 1913 ...	331	18	3	7,988	5	3	8,320	3	6
30th September 1913 ...	206	5	0	8,549	16	2	8,756	1	2
31st March 1914 ...	168	15	0	8,733	16	7	8,902	11	7
30th September 1914 ...	71	17	6	9,217	9	11	9,289	7	5
31st March 1915 ...	203	15	0	9,239	17	1	9,443	12	1
30th September 1915 ...	158	15	0	9,876	10	10	10,035	5	10
31st March 1916 ...	225	10	0	10,249	12	10	10,475	2	10
30th September 1916 ...	290	12	6	10,450	5	8	10,740	18	2
31st March 1917 ...	184	15	10	10,941	11	3	11,126	7	1
30th September 1917 ...	145	0	0	11,575	16	3	11,720	16	3
31st March 1918 ...	318	5	3	13,060	5	5	13,378	10	8
Total ...	3,110	2	4	131,729	14	2	134,839	16	6



*Receipts and Payments during each half-year from 1st October 1913 to 31st March 1918 on account of Asiatics.*

RECEIPTS.

		In India.	In England.	Total.
		£ s. d.	£ s. d.	£ s. d.
Half-year ended—				
31st March 1914	...	3 5 6	Nil	3 5 6
30th September 1914	...	90 8 5	"	90 8 5
31st March 1915	...	50 9 2	"	50 9 2
30th September 1915	...	74 9 3	"	74 9 3
31st March 1916	...	96 8 7	"	96 8 7
30th September 1916	...	232 3 5	"	232 3 5
31st March 1917	...	376 0 3	"	376 0 3
30th September 1917	...	281 15 8	"	281 15 8
31st March 1918	...	362 2 3	"	362 2 3
Total	...	1,567 2 6	...	1,567 2 6

PAYMENTS—Nil.

ENCLOSURE No. 5.—*Consolidated Account of Receipts and Expenditure (India and England) for Period 1st April 1911 to 31st March 1918.*

RECEIPTS.

To balance on 1st April 1911	...	...	...	...	...	£ s. d.
To interest allowed on half-yearly balances from 1st April 1911 to 31st March 1918	...	...	...	...	...	836,925 11 9
						346,298 3 7
		In India.	In England.	Total.		
		£ s. d.	£ s. d.	£ s. d.		
To receipts from married officers—						
Donations on marriage	...	31,964 5 7	10,133 14 10	42,098 0 5		
" " " (dis-	...	8,320 9 9	2,941 7 7	11,261 17 4		
parity) " "	...	307,406 10 8	62,154 5 6	369,560 16 2		
Subscriptions	...	...	514 6 11	514 6 11		
Commutated payments	...	...	86 5 6	951 6 2		
Interest on arrears	...	865 0 8	...	...		
		348,556 6 8	75,830 0 4	424,386 7 0		
Less refunds of excess pay-			1,099 3 4	1,099 3 4		
ments	...	...	...	...		
		348,556 6 8	74,730 17 0	423,287 3 8		
						423,287 3 8
To receipts on account of chil-						
dren—						
For sons—						
Subscriptions	...	24,122 13 7	5,336 17 10	29,459 11 5		
Fines	...	...	5 4 0	5 4 0		
Commutated payments	...	...	...	...		
For daughters—						
Subscriptions	...	39,636 12 9	8,577 17 2	48,214 9 11		
Donations	...	...	422 0 0	422 0 0		
Fines	...	...	1 14 0	1 14 0		
Commutated payments	...	...	270 15 1	270 15 1		
Unmarried subscriptions	...	61,895 7 7	10,939 11 0	72,834 18 7		
Unmarried subscriptions, com-						
mutated payments	...	...	...	...		
Interest on fine for son	...	...	0 1 4	0 1 5		
		125,654 13 11	25,554 0 5	151,208 14 4		
Less refunds of excess pay-			347 16 4	347 16 4		
ments	...	...	...	...		
		125,654 13 11	25,206 4 1	150,860 18 0		
						150,860 18 0
Total	...	...	...	...		1,757,371 17 0

## EXPENDITURE.

	In India.			In England.			Total.		
	£	s.	d.	£	s.	d.	£	s.	d.
By payments of annuities :—									
Widows ...	2,590	4	11	88,228	7	0	90,818	11	11
Male orphans ...	192	14	4	18,025	13	10	18,218	8	2
" " (Rule 20) ...	.....			240	0	0	240	0	0
Female orphans ...	327	3	1	25,235	13	4	25,562	16	5
	3,110	2	4	131,729	14	2	134,839	16	6
§ Balance on 31st March 1918†							...	1,622,532	0 6
Total							...	1,757,371	17 0

\* At 4½ per cent. per annum up to 31st March 1914. At 4 per cent. per annum from 1st April 1914.

† The total amount paid on account of pensions was 182,172*l.* 18*s.* 9*d.* The difference, 47,333*l.* 2*s.* 3*d.*, represents the portion paid by Government.

‡ Total interest included, 580,878*l.* 11*s.* 1*d.*

§ This balance includes 1,638*l.* 4*s.* 8*d.* in respect of Asiatic members, details of which are shown in the accompanying separate account.

## ASIATIC MEMBERS ONLY.

Consolidated Account of Receipts and Expenditure (India and England)  
for period 1st October 1913 to 31st March 1918.

## RECEIPTS.

	In India.			In England.			Total.		
	£	s.	d.	£	s.	d.	£	s.	d.
To balance on 1st October 1913 ...	...	...	...	...	...	...	...	...	...
To interest allowed on half-yearly balance from 1st April 1914 to 31st March 1918 ...							...	71	2 2
	In India.			In England.			Total.		
	£	s.	d.	£	s.	d.	£	s.	d.
To receipts from married officers :—									
Donations on marriage ...	656	5	9	...			656	5	9
" " " (disparity) ...	61	8	1	...			61	8	1
Subscriptions ...	383	12	9	...			383	12	9
Commuted payments ...	...			...			...		
Interest on arrears ...	12	17	9	...			12	17	9
	1,114	4	4	...			1,114	4	4
Less refunds of excess payments ...	...			...			...		
							1,114	4	4
To receipts on account of children :—									
For sons :—									
Subscriptions ...	25	11	8	...			25	11	8
Fines ...	...			...			...		
Commuted payments ...	...			...			...		
For daughters :—									
Subscriptions ...	71	18	3	...			71	18	3
Fines ...	...			...			...		
Commuted payments ...	...			...			...		
Unmarried subscriptions ...	355	8	3	...			355	8	3
Unmarried subscriptions, commuted payments ...	...			...			...		
Interest on arrears ...	...			...			...		
	452	18	2	...			452	18	2
Less refunds of excess payments ...	...			...			...		
							452	18	2
Total	...			...			...	1,638	4 8

## EXPENDITURE—Nil.

Balance on 31st March 1918 ... 1,638 4 8

Total interests included, 71*l.* 2*s.* 2*d.*

WALTER BADOCK,  
Director of Funds.

J. E. C. JUKES,  
Joint-Secretary to the Govt. of India.





# The Calcutta Gazette

WEDNESDAY, JUNE 9, 1920.

## PART IA.

### ***Orders and Notifications by the Government of India.***

The following notifications, issued by the Government of India in the Home Department, published in the *Gazette of India*, dated the 29th May 1920, are republished for general information.

H. L. STEPHENSON,

*Chief Secy. to the Govt. of Bengal.*

### NOTIFICATIONS.

#### POLICE.

*Simla, the 26th May 1920.*

No. 962.—In exercise of the powers conferred by section 17 of the Indian Arms Act, 1878 (XI of 1878), the Governor-General in Council is pleased to direct that the following amendments shall be made in the Indian Arms Rules, 1920, namely:—

- (1) After rule 26 of the said rules the following rule shall be inserted, namely:—

*“ Keeping for safe custody.*

26A.—A licence to keep for safe custody firearms deposited by their owners for that purpose may be granted in Form XIA to the holder of a licence in Form VIII, IX, X, or XI—

- (a) in a Presidency town or Rangoon—by the Commissioner of Police, or  
(b) in any other place—by the District Magistrate or by any Subdivisional Magistrate specially empowered by the local Government in that behalf.”

(2) To Schedule VII of the said rules the following Form shall be added, namely :—

“FORM XIA.

(See rule 26A.)

FREE OF ALL FEE.

*Licence for the possession by holders of licences in Form VIII, IX, X or XI of firearms deposited by their owners for safe keeping*

Name, description and residence of licensee.	Description of firearms.	Place (with description, where articles are to be kept).	* Period for which the licence is valid.
1	2	3	4

Seal.

The

of

19

(Signature)

Commissioner of Police, \_\_\_\_\_

District Magistrate of the \_\_\_\_\_ District.

Subdivisional Magistrate, \_\_\_\_\_ District.

#### Conditions.

1. This licence is granted subject to all the provisions of the Indian Arms Act, 1878, and of the Indian Arms Rules, 1920.

2. It covers only firearms of the description given in column 2 so long as they are kept in the place described in column 3 but does not authorise the licensee—

- (i) to go armed, or
- (ii) to keep Government arms.

*Explanation.*—For the purposes of this condition “Government arm” means a firearm which is the property of the Government.

3. Licensee shall maintain a register of all arms in his possession under this licence in such form as the local Government may direct.

4. He shall exhibit such arms and his register on the demand of any Magistrate or any Police officer of a rank not below that of Inspector, or if the local Government so directs, of Sub-Inspector.

5. The licensee shall forthwith give information at the nearest police station of the loss or theft of any arms covered by the licence.

*The 28th May 1920.*

*No. 976.*—In exercise of the power conferred by section 27 of the Indian Arms Act, 1878 (XI of 1878), the Governor-General in Council is pleased to direct that the following amendments shall be made in the Indian Arms Rules, 1920, namely :—

In the second column of Schedule II to the said rules—

(i) in entry 1, for clause (b), of sub-head (i) the following shall be substituted, namely :—

“(b) firearms, other than firearms captured from enemies and kept as trophies by a regiment or military mess, so long as they are in the possession of such regiment or mess,” and

\* NOTE.—A licence in this form will be granted for a period ending on the day on which the licensee's licence in Form VIII, IX, X or XI, as the case may be, is due to expire.



(ii) in entry 3, clauses (v), (vi) and (vii) shall be renumbered (vi), (vii) and (viii), and the following shall be inserted as clause (v), namely :—

“Arms, including firearms, captured from enemies and kept as trophies by a regiment or military mess, so long as they are in the possession of such regiment or mess.”

PORT BLAIR.

*The 28th May 1920.*

No. 281.—The services of Lieutenant-Colonel M. W. Douglas, C.S.I., C.I.E., I.A., Chief Commissioner of the Andaman and Nicobar Islands, are replaced at the disposal of His Excellency the Commander-in-Chief in India, with effect from the afternoon of the 22nd May 1920, or the subsequent date on which he makes over charge of his duties as Chief Commissioner of the Andaman and Nicobar Islands.

No. 282.—Lieutenant-Colonel H. C. Beadon, C.I.E., I.A., is appointed to be Chief Commissioner of the Andaman and Nicobar Islands, with effect from the afternoon of the 22nd May 1920, or the subsequent date on which he assumes charge of his duties.

H. MCPHERSON,

*Secretary to the Govt. of India.*

The following notifications, issued by the Government of India in the Foreign and Political Department, published in the *Gazette of India* dated the 29th May 1920, are republished for general information.

H. L. STEPHENSON,

*Chief Secy. to the Govt. of Bengal.*

#### NOTIFICATIONS.

*Simla, the 25th May 1920.*

No. 1123-G.—The Governor-General in Council is pleased to recognise the appointment of Monsieur Franck Dupuy as acting Consul-General for France at Calcutta, during the absence of Monsieur L. E. R. Laronce.

*The 27th May 1920.*

No. 1165-G.—With reference to notification No. 419-G., dated the 11th February 1919, Senhor A. A. Teixeir, Honorary Consul for Portugal at Calcutta, resumed charge of his office on the 30th April 1920.

A. N. L. CATER,

*Secy. to the Govt. of India.*

The following notification, issued by the Government of India in the Army Department, published in the *Gazette of India* dated the 29th May 1920, is republished for general information.

H. L. STEPHENSON,

*Chief Secy. to the Govt. of Bengal.*

#### NOTIFICATION.

*Simla, the 28th May 1920.*

#### RESIGNATION.

#### INDIAN MEDICAL SERVICE.

No. 960.—Temporary Captain Mithilesh Chandra Ghosh is permitted, subject to His Majesty's approval, to resign his commission with effect from the 6th May 1920.

A. H. BINGLEY, Major-General,

*Secy. to the Govt. of India.*

The following notification, issued by the Government of India in the Board of Industries and Munitions, published in the *Gazette of India* dated the 29th May 1920, is republished for general information.

H. L. STEPHENSON,

*Chief Secy. to the Govt. of Bengal.*

#### NOTIFICATION.

##### MINERAL RESOURCES.

*Simla, the 29th May 1920.*

No. M.-76-29.—The services of Mr. L. B. Burrows, Secretary to the Coalfields Committee, are replaced at the disposal of the Government of Bengal, with effect from the afternoon of the 20th May 1920.

F. R. R. RUDMAN,

*Secretary, Board of Industries and Munitions.*

The following order, issued by the Government of India in the Army Department, published in the *Gazette of India*, dated the 5th June 1920, is republished for general information.

H. L. STEPHENSON,

*Chief Secy. to the Govt. of Bengal.*

*Simla, the 4th June 1920.*

#### RETIREMENT.

##### INDIAN MEDICAL SERVICE.

No. 1018.—Lieutenant-Colonel Edmund Alexander William Hall, M.B., Bengal (supernumerary), is permitted, subject to His Majesty's approval, to retire from the service, with effect from the 20th May 1920.

A. H. BINGLEY, *Major-General,*

*Secy. to the Govt. of India.*

The following notification, issued by the Government of India in the Legislative Department, published in the *Gazette of India, Extraordinary*, dated the 5th June 1920, is republished for general information.

H. L. STEPHENSON,

*Chief Secy. to the Govt. of Bengal.*

#### NOTIFICATION.

*Simla, the 5th June, 1920.*

*An Ordinance to impose restrictions in respect of rouble notes.*

WHEREAS an emergency has arisen which makes it necessary to impose restrictions in respect of rouble notes;



Now, therefore, in exercise of the power conferred by section 72 of the Government of India Act, 1915, the Governor General is pleased to make and promulgate the following Ordinance:—

5 and 6 Geo. V.,  
Ch. 61.

ORDINANCE NO. II OF 1920.

- 1.** (1) This Ordinance may be called the Rouble Note Ordinance, 1920.  
(2) It extends to the whole of British India, including British Baluchistan.
- 2.** In this Ordinance “rouble note” means any note being or purporting to be in the nature of a currency note issued by or on behalf of any form of government in the territories which, on the fourth day of August 1914, constituted the Russian Empire, or purporting to be so issued, and expressed to be payable in roubles.
- 3.** All rouble notes which are at the commencement of this Ordinance held in deposit in a Government currency office or treasury shall continue to be so held, and no person shall be entitled to withdraw the same except in accordance with a general or special order of the Governor General in Council or of an officer of Government authorised by him in this behalf.
- 4.** No person shall bring any rouble note, whether by sea or land or air, into British India, and if any person contravenes this provision he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both, and any rouble note in respect of which any offence under this section has been committed shall be confiscated and shall be disposed of in such manner as the Governor General in Council may direct.
- 5.** Any rouble note (not being a note held in deposit in a Government currency office or treasury) which is found in British India after the commencement of this Ordinance shall be deemed to have been brought into British India in contravention of the provisions of section 4, and any person in whose possession such a note is found shall be deemed to have committed an offence under that section.

SIMLA ;  
*The 5th June 1920.*

CHELMSFORD,  
*Viceroy and Governor General.*  
H. P. DUVAL,  
*Offg. Secretary to the Government of India.*



# The Calcutta Gazette

WEDNESDAY, JUNE 16, 1920.

## PART IA.

### ***Orders and Notifications by the Government of India.***

The following notification, issued by the Government of India in the Home Department, published in the *Gazette of India* dated the 5th June 1920, is republished for general information.

H. L. STEPHENSON,  
*Chief Secy. to the Govt. of Bengal.*

#### NOTIFICATION.

##### JUDICIAL.

*Simla, the 3rd June 1920.*

No. 1011.—Mr. A. H. Cuming, I.C.S., took his seat as an Acting Judge of the High Court of Judicature at Fort William in Bengal, on the forenoon of the 28th May 1920.

H. MCPHERSON,  
*Secy. to the Govt. of India.*

The following order, issued by the Government of India in the Army Department, published in the *Gazette of India* dated the 5th June 1920, is republished for general information.

H. L. STEPHENSON,  
*Chief Secy. to the Govt. of Bengal.*

#### NOTIFICATION.

##### REWARDS.

*Simla, the 4th June 1920.*

No. 1040.—His Excellency the Governor-General of India has been pleased to confer the Volunteer Officers' Decoration upon the undermentioned officers:—

Captain Lawrence Robert Potter, 5th Calcutta Battalion, Indian Defence Force.

A. H. BINGLAY, *Major-General,*  
*Secy. to the Govt. of India.*



The following notifications, issued by the Government of India, in the Department of Commerce and Industry, and published in the *Gazette of India*, dated 5th June 1920, are republished for general information

H. L. STEPHENSON,  
*Chief Secy. to the Govt. of Bengal.*

#### NOTIFICATIONS.

##### CUSTOMS—WAR.

*Simla, the 5th June 1920.*

No. 2776.—The following Board of Trade List, dated the 7th May 1920, on the subject of prohibitions of export from the United Kingdom is published for general information:—

#### IMPORTS AND EXPORTS LICENSING SECTION, BOARD OF TRADE,

Gt. GEORGE STREET,  
S. W. 1.

#### LIST OF EXPORT PROHIBITED GOODS.

7TH MAY 1920.

This list cancels all similar lists issued prior to the above date.

List A and B.

List C.

Open General Licences for Exports.

Notes regarding Export to certain countries.

Urgent Orders.

Transshipment in the United Kingdom.

This consolidated "List of Export Prohibited Goods" is amended and issued fortnightly. Exporters who desire to have copies of each list posted to them during the current year can do so on payment of a registration fee of 2s. 6d. for one copy of each issue. Should more than one copy of each issue be required an additional payment should be made at the rate of 2d. per month to the end of the current year for each additional copy required.

Exporters who desire to have their names placed on the register should make application to the Stationery Clerk, Import and Export Licensing Section, enclosing Postal Orders payable to the Import and Export Licensing Section, Board of Trade.

Applications for licences and all correspondence should be addressed to:—

The Director, Import and Export Licensing Section,

Board of Trade,

Gt. George Street,

S. W. 1.

#### LIST A AND B.

List of goods the export of which is prohibited from the United Kingdom by Royal Proclamations or by Order of Council.

A licence is required to export goods marked (A) to any destination abroad.

A licence is required to export goods marked (B) to any destination abroad, except British Possessions and Protectorates, to which goods marked (B) can be exported without licence, providing the goods are not transhipped at foreign ports.

- (B) Aeroplane engines and their component parts.
- (B) Aircraft, other than balloons, of all kinds, and their component parts, together with accessories and articles suitable for use in connection with aircraft.  
Alumina, *see* Phosphate Rock.
- (A) Ammonia, sulphate of, and mixtures containing sulphate of ammonia.
- (A) \*Animals, living, for food (other than horses).  
Apatites, *see* Phosphate Rock.
- (A) Apparatus which can be used for the storage or projection of compressed or liquefied gases, flame, acids or other destructive agents capable of use in warlike operations and their component parts.
- (A) Armour plates, armour quality castings, and similar protective material.
- (A) Armoured motor-cars.
- (A) Arms, not being Firearms and their component parts.
- (A) Bacon and Ham, including Tinned Bacon and Ham.
- (A) Basic slag.
- (A) Bayonets and their component parts.  
Bran, *see* Offals of Corn.
- (A) Bread.  
Bullion, *see* Gold and Silver.
- (A) Butter.
- (A) Calfskins.
- (A) Cannon and other ordnance, and their component parts.
- (A) Carriages and mountings for cannon and other ordnance and their component parts.
- (A) Cartridges, charges of all kinds, and their component parts, and tools, appurtenances and accessories for the filling and repair of rifle and shot-gun cartridges.  
Castings, *see* Armour Plates.  
Cattle hides, *see* Hides.  
Caustic potash, *see* Potash.
- (A) Cheese.
- (A) Coal, except coal allowed by the Commissioners of Customs and Excise to be shipped as bunker coal.
- (A) †Coal tar, all products obtainable therefrom and derivatives thereof, whether actually so obtained or derived from other sources (including all mixtures and preparations containing such products or derivatives), suitable for use in the manufacture of dyes or explosives.
- (A) Cocaine and its salts and preparations.
- (A) Cocoa, raw.  
Coin, *see* Gold; Silver.
- (A) Coke and manufactured fuel.
- (A) Confectionery manufactured wholly or partly of sugar.  
Corn offals, *see* Offals.  
Cows, bulls, etc., *see* Animals.
- (B) Docks, floating, and their component parts.
- (A) †Dyes and dyestuffs, manufactured from Coal Tar products and articles containing such dyes and dyestuffs.
- (A) Eggs in shells.  
Engines, *see* Aeroplane.
- (A) Ergot of rye, and the liquid extract of ergot.
- (A) Explosives, except the following:—  
Blasting Gelatine, Gelignite, Gelatine Dynamite, Viking Powder, Detonators, Electric Detonators, Monobel, Safety Fuses and Dynamite.
- (A) Firearms and their component parts.
- (A) Fish except the following:—  
tinned, preserved or frozen fish, chinchards, crabs, oysters, sprats, herrings, crayfish, prawns, shrimps, scallops, lobsters, fresh salmon and salmon trout.  
(A) Salmon, tinned.
- (A) Flax, raw.  
Flour, *see* Barley; Wheat.  
Foodstuffs, *see* specific headings.  
Forage and food which may be used for animals, *see* specific headings as, *e.g.*, Hay, etc.
- (A) Forage, green.  
Fuel, manufactured, *see* Coke.

\* Application for licence to export livestock should be made on Application Form "L" copies of which can be obtained from the Stationery Clerk, Export Licence Department.

† The following proprietary dyes may, however, be exported without licence to all destinations with which trading is permitted:—

Dolly dyes.	Drummer dyes.	Diamond dyes.	Dixon's home dyes.	Maypole dyes
Fairy dyes.	Dainty dyes.	Dal's household dyes.		



- (A) Fruit, preserved, the following:—  
 (i) Fruit, canned or bottled in water, the following:—  
     Pears.  
     Pineapples.  
     Peaches.  
 (ii) Fruit, canned or bottled in syrup, except Cherries.  
 (iii) Fruit Pulp.  
 (iv) Jam and Marmalade.
- (A) Game.  
 (A) Gold, coin and bullion.  
 (A) Green forage.  
 (A) Grenades and component parts thereof.  
 (A) Guanos, except whale guano.  
 Guns, *see* Cannon; Firearms, Machine gun.  
 (A) Hay.  
 (A) Hides, British and Irish, cattle.  
 Husk meal.  
 (A) Implements and apparatus designed exclusively for the manufacture of munitions of war or for the manufacture or repair of arms or of war material for use on land or sea.  
 (A) Indigo, synthetic.  
     Jam, *see* Fruit, preserved.  
 (A) Land; except imitation (compound) lard and neutral lard.  
 (A) Lime phosphate, *see* Phosphate Rock.  
 (A) Linseed.  
     Livestock, *see* Animals.  
 (A) Machine guns, mountings for machine guns, and component parts thereof.  
 (A) Manures, compound containing either sulphate of ammonia, superphosphate of lime, or potash.  
     Marmalade, *see* Fruit preserved.  
     Meals, *see* Husk, Wheat.  
 (A) Meat, fresh and frozen, of all kinds, except offals, trulle meat and horseflesh.  
     Middlings, *see* Offals of Corn.  
 (A) Milk, sweetened, condensed or preserved (other than milk powder).  
     Mill dust and screenings, *see* Offals of Corn.  
 (B) Mines and their component parts.  
 (A) Nicotine and its compound.  
     \*Notes of the Bank of France.  
     Offals of corn which may be used as food for animals, the following:—  
     (A) Bran.  
     (A) Middlings.  
     (A) Mill dust and screenings.  
     (A) Pollard.  
     (A) Sharps.
- (A) Onions.  
 (A) Opium and its preparations.  
 (A) Opium alkaloids and their salts and preparations.  
     Ordnance, *see* Cannon; Carriages.  
 (A) Phosphate rock, namely:—  
     Apatites; Phosphates of lime and alumina  
     Pistols, *see* Firearms.  
     Pollard, *see* Offals of Corn.  
 (A) Potash, caustic, and articles containing caustic potash.  
 (A) Potash, muriate, sulphate, and crude manurial potash salts, and mixtures containing any of these substances.  
 (A) Potassium carbonate and mixtures containing potassium carbonate.  
 (B) Potassium permanganate.  
 (A) Potatoes.  
 (A) Poultry.  
     Preserves, *see* Fruit, etc.  
 (A) Projectiles of all kinds and their component parts.  
 (A) Rice and rice flour.  
     Rifles, *see* Firearms.  
     Salmon, tinned, *see* Fish.  
 (A) Sausages, pork, except tinned pork sausages.  
     Screenings, *see* Offals of Corn.  
     Seeds, *see* Cereals mentioned by name.  
 (A) Semolina.  
     Sharps, *see* Offals of corn.  
     Sheep, *see* Animals.  
 (A) Silver bullion, specie and British coin.  
     Skins, *see* Calfskins; Hides.  
     Spirits, *see* Whisky.  
 (A) Sugar, cane and beet, *see also* Confectionery.  
 (A) Superphosphates.  
 (A) Tea other than green tea.  
 (B) Torpedoes and their component parts.  
 (B) Torpedo tubes.  
     Vegetables, *see* Onions; Potatoes.  
     Venison, *see* Game.  
 (A) Vessels of 15 tons gross and over.  
 (A) Wheat, wheat flour and wheat meal, and all articles, mixtures and preparations containing wheat, wheat flour, or wheat meal.  
 (A) Whisky.  
 (A) Yeast.

\* Notes of the Bank of France are prohibited to all destinations except to destinations in France.

## LIST C.

List C comprises all goods not included in List A or B.  
Goods on List C may be exported without licence to all destinations with which trading is allowed.

## GENERAL LICENCES FOR EXPORTS.

An open general licence has been issued, permitting the exportation of the following goods (without application to the import and export licensing section of the Board of Trade) to all destinations with which trading is allowed.

Bird seed.	Marmite.
Blanc-mange powder.	Mincemeat and mince pies.
Cake mixture.	Mixtures and preparations containing not more than 10 per cent. aniline colour, not otherwise prohibited.
Cocoa and milk, coffee and milk, chocolate and milk, sweetened or unsweetened, in tins.	Ointments containing not more than 10 per cent. coal tar derivatives.
Custard powder.	Paisley flour.
Disinfectant powders containing not more than 10 per cent. coal tar derivatives.	"Phosto" animal food.
Gloy.	Pudding powder.
Horseflesh.	Puddings.
Koffio.	Restorine.
Lactol.	Soaps containing not more than 10 per cent. coal tar derivatives.
Lactogol.	Tooth-powders containing not more than 10 per cent. coal tar derivatives.
Mango chutney, tomato chutney, and tomato ketchup.	Vanilla custard.

## SAMPLES.

An open general licence has been issued which permits the free export of all *bond-fide* samples of prohibited goods to all destinations with which trade is now permitted. Samples exported under this licence may be used only for genuine sample purposes, *i.e.*, for obtaining orders from foreign buyers, and may not be sold except with the written consent of the Import and Export Licensing Section; but such consent may be dispensed with when it is desired to sell the articles in the country of destination after they have fulfilled their purpose as samples. Exporters will be required to satisfy the Customs Authorities that the goods presented for export under this licence are *bond-fide* samples, and to make a declaration to that effect on the relative shipping documents.

This notice only applies to samples or goods which require licences for export to the particular destination concerned.

In addition, the consent of the Import and Export Licensing Section is not required for the sale of samples which, though within this scheme at the actual time they were exported, could be exported outside the scheme at the actual time of the proposed sale.

## OPEN GENERAL LICENCE FOR COAL EXPORTS.

An Open General Licence has been issued, with effect from Thursday, 1st January 1920, permitting the export of coal, coke and manufactured fuel to all destinations abroad except Russia (other than Esthonia, Lettland and Lithuania), Germany, Hungary, Austria, Turkey and Bulgaria, subject always to the approval, previously obtained, of the Controller of Coal Mines or his duly authorised representative, and subject to shipment being made in a vessel approved by the Commissioners of Customs and Excise or their Officers.

The Customs Authorities will require pre-entry to be made in all cases; and at ports where there is a duly authorised local representative of the Controller of Coal Mines (*see* list next page), the approval referred to above will be signified by his endorsement on the pre-entry form, which must be presented to him for the purpose before shipment.



Where shipment is proposed to be made from a port not included in the list given below it will be necessary for application for the Controller's approval to be made to the Export Branch of the Coal Mines Department in London. Shipments from all ports in the United Kingdom to the destinations excluded from the purview of the general licence must still be covered by an export licence from the Coal Mines Department.

The following are the ports shipments from which will be covered by the local representative's endorsement on pre-entry :—

District.	Controller's Representatives.
All Scottish ports ...	Mr. W. D. Fuller, 4, Dunlop Street, Glasgow.
From Amble to Middlesborough inclusive ...	Mr. W. R. Fisher, Guildhall Chambers, Quayside, Newcastle-on-Tyne.
Humber ports (Hull to King's Lynn inclusive)	Mr. A. D. Upton, 120, Alfred Gelder Street, Hull.
Mersey ports and all ports in Lancashire and Cumberland ...	Mr. J. Melrandi, Dock Board Offices, Liverpool.
From Burry Port to Newport inclusive ...	Mr. H. Banker, Cymric Buildings, Cardiff.

#### OPEN GENERAL LICENCE FOR THE EXPORT OF SMOOTH-BORE GUNS AND MUNITIONS FOR USE THEREWITH.

An Open General Licence has been issued for the export of smooth-bore guns and munitions for use therewith, to the destinations given below, to which, therefore, exports may be made subject to the usual Customs formalities without applications for specific licences to the Import and Export Licensing Section.

British Possessions and Protectorates (*see note below*).

French Possessions and Protectorates (*see note below*).

United States of America.

South America.

Japan and Korea.

Asiatic Russia.

France, Belgium, Spain, Portugal, Greece, Italy, Jugo-Slavia, Roumania, Norway, Sweden, Denmark, Holland, Switzerland and Iceland, Czecho-Slovakia, Panama, Nicaragua, Honduras, Guatemala, Costa Rica, Cuba, San Salvador, San Domingo and Hayti.

In accordance with Article 6, Chapter 2, of the "Convention for the Control of the Trade in Arms and Ammunition," all consignments of Arms and Ammunition proceeding into or through any of the Prohibited Areas set out below will require a Specific Export Licence.

The Prohibited areas are :—

(1) The whole of Continent of Africa, with the exception of Algeria, Libya and the Union of South Africa. (Within this area are included all islands situated within a hundred nautical miles of the coast, together with Prince's Island, St. Thomas Island and the Islands of Annobon and Socotra.)

(2) Transcaucasia, Persia, Gwadar, the Arabian Peninsula and such continental parts of Asia as were included in the Turkish Empire on August 4, 1914.

(3) A maritime zone including the Red Sea, the Gulf of Aden, the Persian Gulf and the Sea of Oman and bounded by a line drawn from Cape Guardafui, following the latitude of that cape to its intersection with longitude 57° east of Greenwich, and proceeding thence direct to the eastern frontier of Persia on the Gulf of Oman.

#### OPEN GENERAL LICENCE FOR THE EXPORT OF AIRCRAFT, ETC.

An Open General Licence has been issued for the export of the under-mentioned goods to all destinations except Russia, Germany, Hungary, Austria, Turkey and Bulgaria. Applications are no longer to be made to the Import and Export Licensing Section of the Board of Trade in respect of the export of these goods to countries other than those mentioned :—  
"Aeroplane engines and their component parts. Aircraft, other than balloons of all kinds, and their component parts, together with accessories and articles suitable for use in connection with aircraft."

OPEN GENERAL LICENCE FOR THE EXPORT OF PARCELS CONTAINING  
MISCELLANEOUS FOODSTUFFS.

An Open General Licence has been issued for the export by parcel post of parcels containing one or more varieties of foodstuffs (for the personal use of the addressee and *not* for trading purposes) to all destinations with which trading is allowed, provided that any such parcel may not contain more than two pounds of sugar or more than one pound of butter. Applications need, therefore, no longer be submitted to the Import and Export Licensing Section in respect of the export of such parcels by parcel post.

NOTES REGARDING EXPORT TO CERTAIN COUNTRIES.

Exporters are warned that there are import prohibitions in some foreign countries, information regarding which can be obtained from the Department of Overseas Trade, 35, Old Queen Street, Westminster, S.W. 1, and 73, Basinghall Street, E. C. 2. The issue of an export licence implies no guarantee that the goods will be admitted into the country of destination.

There is no parcel post to Esthonia, Jugo-Slavia (except Dalmatia), Lettland (Latvia), Lithuania, Poland.

Germany.—Gift parcels sent by parcel post may enter Germany without import licence and also free from duty and taxes, provided they do not contain more than 2 kilos (70 ozs.) of tobacco.

Russia (European).—Conditions under which trading with European Russia will be permissible are at present under consideration.

Syria.—A parcel Post Service is in operation north of Acre to Alexandretta and west of Aleppo, including:—

Beyrout, Damascus, Hamah, Homs, Latakia, Rayak and Tripoli.

Turkey.—Parcels for civilians in Turkey and Smyrna will only be accepted if they are fully addressed "c-o Poste Restante, British Army Post Office, Constantinople" (and-or Smyrna), and parcels must be *called* for at the British Post Offices.

URGENT ORDERS.

The Import and Export Licensing Section, Board of Trade, announces that firms receiving orders which require immediate acceptance may telegraph details of any such order to ascertain whether a licence will be granted for the export of the goods if the order is accepted.

In the event of an applicant being promised a licence he will be enabled to deal with the order straightaway with the knowledge that upon application being made in the proper form to the Import and Export Licensing Section (Board of Trade) the licence will be granted.

The telegrams should be addressed to "Derestim, London." They should give in each case in addition to the name and postal or telegraphic address of the applicant, the quantity and description of the goods comprised in the order and the name and the country of destination. A reply of 24 words (1-3) must be prepaid.

Applicants are requested in their own interest to confine their inquiries to orders needing a very urgent decision, since the fewer the enquiries the more promptly can answers be given.

Any subsequent correspondence that is necessary in connection with the telegraphic enquiries should be addressed to The Director, Import and Export Licensing Section, Board of Trade, Great George Street S. W.-1.

TRANSHIPMENT IN THE UNITED KINGDOM.

The provisional approval of the Import and Export Licensing Section, Board of Trade, should be obtained before the following goods are brought to this country for transhipment:—

Bacon, ham and lard of all kinds.



It is not now necessary to make application to the Collector of Customs at the transshipment ports on form S. 90 for the transshipment of any goods except those specified in the following list:—

Foodstuffs for animal or human consumption which are on Section "A" or "B" of the list of prohibited exports (including tea and cocoa).

Seeds, oils and fats on Section "A" of the list of prohibited exports.

Synthetic dyestuffs.

Ergot.

Caustic potash.

Potassium carbonate.

#### FOREIGN TRADE.

*The 5th June 1920.*

No. 2652.—The following extract from the Board of Trade Journal, dated the 6th May 1920, is re-published for general information.

#### IMPORT PROHIBITIONS.

The following is a translation of the French Presidential Decree of 23rd April (published in the "Journal Officiel" on 28th April), prohibiting the importation into France and Algeria of a large number of "luxury" and "fancy" articles and products the use of which is optional. Prefixed to the Decree is a Ministerial Report, in which the circumstances which necessitate the measure are explained.

#### MINISTERIAL REPORT.

Paris, 23rd April 1920.

An examination of the foreign trades returns of France shows that for the year 1919, the value of imports had risen to almost 30,000,000,000 francs, while the value of the exports was less than 9,000,000,000 francs, that is, only 29 per cent. of the imports. It is universally admitted that this enormous inequality between our purchases and our sales is the chief cause of the fall in the French exchange, and consequently of the increase in the cost of living.

An analysis of the foreign trade figures shows that in 1919, as compared with 1913, imports of food-stuffs and of manufactured articles increased by 26 and 18 per cent. respectively, in weight, and by 374 and 378 per cent. respectively in value. As regards raw materials, the weight of imports was 20 per cent. less than in 1913, but 167 per cent. more in value.

The inflation of values is, however, seen even more strikingly in the case of exports. As compared with 1913, the tonnage of our exports in 1919 decreased by 74 per cent., that is, by three-quarters, but nevertheless, the value of the 1919 exports (8,713,000,000 francs) exceeded the value of the 1913 exports (6,880,000,000 francs) by 1,833,000,000 francs, or 26 per cent.

Our trade balance has not improved appreciably during the first three months of 1920, as compared with the corresponding period of 1919. It is true that the value of exports shows an increase of 186½ per cent. (3,384,000,000 francs, as against 1,181,000,000), but this increase does not go far towards restoring the pre-war situation, as the weight of goods exported (2,379,000 tons) was only half that of the first quarter of 1913 (4,750,000 tons); on the other hand imports have increased by a further 22·45 per cent. (7,767,000,000 francs, as against 6,343,000,000 francs); so that the difference between imports and exports during the three months in question reaches the considerable figure of 4,383,000,000 francs, or 129½ per cent. The result is that the prices of goods continue to rise, and that our exchange is in a worse plight than ever before.

As, unfortunately, a sufficient revival of our export trade cannot be looked for while our national production remains so low, the only remedy for this disastrous situation lies in practising the most rigorous economy by limiting both our internal expenses and our foreign purchases to an absolute minimum. But it is obvious that in this matter persuasion alone would be powerless.

Consequently, and in conformity with the statement made, and approved by the Chamber of Deputies, during the discussion on the Bill for providing new sources of revenue, the Government deem it imperative forthwith to impose most stringent restrictions on import.

Other countries whose economic situation is less precarious than that of France have already taken this step. In any case, for our part we realise that the question is vital, for if we continue heedlessly to import unnecessary goods we shall, and that before long, find that we can no longer obtain abroad credits necessary for the purchase of the food-stuffs and raw materials of which we are in absolute need. It is unnecessary to emphasise how terrible the economic and social consequences of such a position would be.

The investigations in regard to this matter which have been made by the Government Departments concerned point to the necessity of prohibiting the import of a whole series of "luxury" or "fancy" articles and products which are not indispensable, so that such articles and products shall be imported only on condition that they are re-exported within a fixed period after having been worked up or repacked in France.

We have the honour to submit herewith the Decree drawn up to give effect to this prohibition, and beg you to be good enough, should you approve, to affix your signature.

*Ministry of Finance, F. Francois-Marsal.*

*Acting Minister for Foreign Affairs, Aug. Isaac.*

*Minister of Agriculture, J. H. Ricard.*

*Minister of Commerce and Industry, Aug. Isaac.*

*Minister of the Interior, T. Steeg.*

*Minister of Public Instruction and Fine Arts, Andre Honnorat.*

#### DECREE OF THE 23RD APRIL

The President of the French Republic :—

In view of the Law of 6th May, 1916, authorising the Government during the continuation of hostilities provisionally to prohibit the importation of foreign goods or to increase Customs duties ;

In view of Article 12 of the Law of 30th December, 1919, maintaining in force for six months from the date of the cessation of hostilities the provisions of the above-mentioned Law of 6th May 1916 ;

In view of the Law of 20th January, 1919, ratifying the Decree of 22nd March, 1917, respecting the prohibition of importation into France and Algeria of all foreign goods ;

In view of Article 2 of the Law of 7th November, 1919 ;

In view of the Decrees of 20th January, 13th, 14th, and 20th May, 6th and 13th June, 7th and 8th July, 14th November, and 4th December, 1919, and 15th April, 1920 ;

In view of the Interministerial Decree of 16th April, 1919 ;

On the Report of the Minister for Foreign Affairs, of the Minister of France, of the Minister of Commerce and Industry, of the Minister of Agriculture, of the Minister of the Interior, and of the Minister of Public Instruction and Fine Arts.

#### *Decrees—*

*Article 1.*—Subject to the execution of special international agreements, the importation into France and Algeria of goods of the kinds included in Schedule A annexed to the present Decree, coming from or originating in foreign countries is prohibited.

*Article 2.*—Goods imported in order to be re-exported either under the ordinary "temporary importation" regime or the special "temporary importation" regime set up by the above-mentioned Decree of 16th April 1919, are excepted from the prohibition.

*Article 3.*—Goods coming under the special "temporary importation" regime pay the duties laid down in the Customs Tariff, but are exempt from any "coefficients of increase" which may be applicable to such goods under the Decree of 8th July 1919, and subsequent Decrees.

*Article 4.*—As regards "objets d'arts" and "objets de collection" derogations from the prohibition may be authorised by the Ministry of Finance, on the advice of the special Committee set up at the Ministry of Public Instruction and Fine Arts, in conjunction with the Commission for the Control of Imports and Exports.



*Article 5.*—Goods proved to have been despatched direct to France before the publication of the present Decree shall be admitted under the conditions previously in force.

*Article 6.*—The above-mentioned Decree of 7th July 1919,\* is abrogated.

*Article 7.*—The Minister for Foreign Affairs, the Minister of Finance, the Minister of Commerce and Industry, the Minister of Agriculture, the Minister of the Interior, and the Minister of Public Instruction and Fine Arts are charged with the execution of the present Decree, in so far as each is concerned therewith.

Paris, 23rd April, 1920.

P. DESCHANEL.

[Countersigned by the Ministers signing the Report.]

#### SCHEDULE A ANNEXED TO DECREE OF 23rd APRIL, 1920.

No. in French.  
Customs Tariff.

Articles.

##### *ex-II.*—ANIMAL PRODUCTS.

<i>ex 18 bis</i>	Turtles, dead,
<i>18 ter</i>	Truffled poultry.
<i>18 quater</i>	Goose liver, fresh or salted.
<i>19 bis</i>	Preserved game, in tins, pots, or in pastry.
<i>19 ter</i>	<i>Pâtés</i> de foie grass, in tins, pots, pastry or other forms.
<i>ex 26</i>	Ornamental feathers, prepared or mounted; quill pens, raw or prepared.

##### *ex-III.*—FISH, ETC.

	Products of foreign fisheries, <i>viz.</i> :—
<i>ex 48</i>	Oysters, fresh, other than seed Oysters.
<i>ex 49</i>	LoBSTERS, fresh.
<i>50</i>	Mussels and other shellfish.
<i>57</i>	Fine pearls.

##### *exVII-IX.*—FRUITS AND COLONIAL PRODUCE.

<i>ex 84</i>	Forced grapes and fruit; wine grapes and grape residues; wine must.
<i>ex 85</i>	Pistachio nuts.
<i>87 bis</i>	Figs, dried raisins and dates, destined exclusively for distilling or for the manufacture of wines.
<i>ex 93</i>	Bonbons and candied fruits.
<i>98</i>	Chocolate
<i>ex 127</i>	Elderberries and blue and red bill berries.

##### *ex-XIV.*—VARIOUS VEGETABLE PRODUCTS.

<i>159</i>	Truffles, fresh, dried or pickled.
<i>170</i>	Nursery and hothouse plants and shrubs.
<i>ex 170 bis</i>	Cut flowers.

##### *ex-XV.*—BEVERAGES.

<i>170 ter</i>	Mistelas or must of fresh grapes, fermentation of which has been stopped by means of alcohol ( <i>mutés à l'alcool</i> ).
<i>ex 171</i>	Full-bodied wines, including vermouth.
<i>172 quater</i>	Hydromel (mead).
<i>173</i>	Orange wine.
<i>173 bis</i>	Wines of raisins, dry; and all other fermented beverages not specified in the Tariff (not including ordinary wine, vinegar, beer, cider, or perry).

\*This was the Decree which practically abolished the import prohibitions in force prior to July 1919, leaving only a few articles subject to prohibition.

No in French  
Customs Tariff.

Articles.

*ex-XVI.—STONES, ETC.*

<i>ex 175 bis</i>	Alabaster, carved or otherwise worked.
<i>ex 175 ter</i>	Precious stones and scientific stones, cut.
<i>ex 176</i>	Agates and other similar stones, wrought.
<i>ex 176 bis</i>	Rock crystal, wrought.
<i>177 bis</i>	Staff and plaster moulding, not coloured.
<i>177 ter</i>	Marbles and balls of stone.
<i>196</i>	Amber, yellow.

*ex-XXI.—VARIOUS COMPOUNDS.*

<i>311</i>	Perfumed soap and other perfumeries.
<i>315</i>	Distilled waters.
<i>330</i>	Blacking ( <i>cirages</i> ).

*ex-XXII.—CERAMIC WARE.*

<i>ex 347</i>	Parian and biscuit porcelain, white or coloured.
<i>347 ter</i>	Artificial teeth of porcelain, enamel, or similar materials.

*ex-XXIII.—GLASSWARE.*

<i>ex 350</i>	Table glass ( <i>gobeletterie</i> ), of glass or crystal (excluding articles for illumination), if etched, cut or engraved, decorated in gold, in colour, or otherwise decorated.
<i>ex 351</i>	Framed window glass, coloured glass, or other glass enamelled, decorated with lithographic, photographic, or other prints, with hand paintings, with letters or with other ornaments.
<i>ex 358</i>	{ Spun glass, balls and artificial coral of glass.
	{ Glass beads and other vitrification in beads, pierced or cut.
	{ Imitation precious stones; glass charms, coloured or not
	{ Flowers and ornaments of beads and porcelain; mosaics on paper.
	{ Wreaths, finished or not, and other articles in vitrification or porcelain, with or without ornaments of metal.

*ex-XXV.—FABRICS.*

Fabrics of linen, hemp or ramie :—

<i>385 bis</i>	Inlaid linoleum.
<i>385 ter</i>	Prepared cloth for artists.
<i>385 quater</i>	Cloth, mounted or not on frames; for studio backgrounds, theatrical scenery, panoramas, etc.
<i>386</i>	Damasked linen for bedding and for furnishing purposes.
<i>387</i>	Table linen, damasked.
<i>390</i>	Hosiery.
<i>391</i>	Lace and guipure.
<i>392</i>	Handkerchiefs, embroidered, on hemp or ramie fabrics, and other embroideries on linen, hemp or ramie fabrics.
<i>393 bis</i>	Mixed fabrics of linen, hemp or ramie, the linen, hemp or ramie, predominating in weight.
<i>400 bis</i>	Trammings, ribbons and braid of pure jute.
<i>403</i>	Fabrics of phormium tenax, abaca, and other vegetable fibres not mentioned (in the Tariff).

*Cotton Goods.*

<i>ex 419</i>	{ Gloves of cotton hosiery.
	{ All articles, other than gloves, of knitted material, if embroidered by hand or by machine, or ornamented with lace or trimmings, including stockings and socks, open-worked or " <i>a grisotte</i> ," and stockings striped lengthways by figure-weaving (" <i>brochage</i> "),



No. in French Customs tariff.	Articles.
420 and 411	Lace, machine-made; bobbinet-tulle or guipure, in bands or widths, blondes, laces, cordons, trimmings, tattings, and generally all fancy articles, other than bobbinet-tulle for curtains, counterpanes, and real tulle.
420 bis and 411	Lace, hand-made.
ex 422 and 411	Tulles, properly so-called, embroidered.
424 and 411	Curtains of muslin, embroidered.
425 and 411	Curtains of tulle application, of grenadine, and of embroidered tulle.
425 bis and 411 }	Curtains, embroidered on tulle, with seven meshes or more per centimetre, called "lace curtains," embroidered with two threads of cotton, one of which is finer than the other.
426 and 411	Muslins, figured or embroidered with crochet, for furniture or clothing.

#### Woollen Goods.

ex 442	Carpets made with knotted or twisted pile, of any origin, including imitations thereof.
	Fabrics of pure wool:—
ex 443	Hosiery ware of pure wool, viz:—Gloves, and all articles, other than gloves, of hosiery material, if embroidered by hand or by machine, or ornamented with lace or trimmings.
446	Hangings of wool.
447	Shawls, broche or figured, other than Indian cashmere shawls or knitted shawls.
	Fabrics of mixed wool:—
ex 454 bis	Carpets of wool, mixed with other materials in any proportion.
	Hosiery ware, the wool predominating in weight. ( <i>See hosiery ware of pure wool.</i> )
	Other, the wool predominating in weight. ( <i>See fabrics of pure wool.</i> )
ex 456	Fabrics of goats' hair, pure or mixed, manufactured in countries outside Europe, the goats' hair predominating in weight.

#### Silk and Artificial Silk.

ex 459	Fabrics of silk, floss silk, and all kinds of artificial silk:—
	Foulards, crepes, tulle, trimmings, and all other fabrics of pure silk, except plain gauge for bolting and garnature of bolting cloth.
	Pongees, corah, tussore or tussah, woven in cloth, twilled or serge style, of extra-European origin.
	Lace of silk or floss silk.
	Fabrics and trimmings of floss silk, pure or mixed with silk.
	Fabrics of waste floss silk for upholstering, weighing more than 250 grammes per sq. metre.
	Fabrics of silk or floss silk mixed with other textile materials, the silk or floss silk predominating in weight.
	Hosiery of silk or floss silk.
	Fabrics, trimmings of silk or floss silk, with gold or silver.
	Ribbons of silk or floss silk, pure or mixed with other textile materials, the silk or floss silk predominating in weight.
	Fabrics of all kinds of artificial silk.

No. in French  
Customs tariff.

Articles.

*Made-up Articles.*

459 bis	Embroideries.
	Clothing and other made-up articles, embroidered or ornamented, and all clothing and made-up articles of linen, natural silk, floss silk, or artificial silk :—
ex 460	Clothing, under-clothing, and other accessory articles for clothing, of the above fabrics, wholly or partly made up.
ex 460 bis	Cravats, neckties, of all shapes, wholly or partly made up.
ex 460 ter	Collars and cuffs, shirts front and bosoms.
ex 460 quater	Sacks of linen or of natural or artificial silk, imported empty.
ex 460 sexies	Other made-up articles.
460 quing	Flags, made-up, of any fabric.

*ex-XXVI.—PAPER AND MANUFACTURES OF PAPER.*

ex 461 bis	Wall paper and borders for wall paper—velveted, metallised, stamped, varnished, imitation leather.
461 quater	Photographic paper.
464 ter	Cardboard wares (cartonnages), ornamented with paintings, reliefs, stuffs, wood, plaited straw, common metals, etc.
464 quater	Lincrusta and the like.
465 ter	Articles of cardboard or of cellulose with painted or inlaid decorations.
467	Albums, simply in boards, for pictures, collections or drawings, black or in colours.
469	Engravings, facsimiles of engravings, photo-engravings, photo-collographs, and the like, prints, lithographs, chromos, decalcomania, pictures on paper in sheets, labels and designs of all kinds, including calendars, commercial advertisements and interiors of albums for photographs, and collections and picture postcards.
469 bis	Photographs.
469 ter	Photo-engravings and the like, in sheets or cut into cards, menus, etc.
ex 469 quater	Sensitised rolls or bands for cinematographs.
470	Printed matter of all kinds, other than those above specified, in black or colours.

*ex-XXVII.—MANUFACTURES OF SKINS OR LEATHER.*

484	Gloves.
485	Articles of fine saddlery.
486	Saddles.
490	Trunk.
491	Moroccoed leather wares ( <i>marcquinerie</i> ).
491 bis	Covers of albums for collections (photographs, stamps, postcards, etc.), of leather, wood, stuff, plain ornamental paper, and other.
491 ter	Albums for collections (such as of photographs, stamps, postcards, etc.).
ex 492	Valises, handbags, travelling bags, cases for photographic apparatus, for sporting arms, for musical instruments, etc.
	Canes, whips, riding whips, sticks and similar articles of leather.
	Body belts of leather, worked.
494	Peltries, worked or made-up.

*ex-XXVIII.—METAL WARES.*

495	Jewellery and goldsmiths' wares.
496	Articles gilt or silvered by various processes.



No in French  
Customs Tariff.

Articles.

496 <i>bis</i>	Imitation jewellery: clasps, brooches, bracelets, finger rings, buckles, ornamental buttons, metal shapes for buttons, chains, thimbles, slides, rings (spring or other), swivels, purses of meshwork, clasps of all kinds, etc., of common metals, with or without ornaments of real or imitation coral, of vitrifications; mother-of-pearl, bone, ivory, tortoiseshells, imitation or real pearls, etc., and metallic parts of these articles.
497—509	Watch and clockmakers' wares of all kinds, including parts, movements, cases, finished clocks and watches, chimes, musical boxes, chronometers, electrometers, water and gas meters, and in general all meters or measuring apparatus fitted with clock movements.
<i>ex</i> 549	Fine cutlery.
551	Statues of metal.
462 <i>ter</i>	Busks and springs for personal attire, of steel, polished, varnished, not covered.
566 <i>quarter</i>	Mechanical stoppers, consisting of a white or coloured porcelain head and iron or steel wire, with or without indiarubber ring and separate parts of metal.
<i>ex</i> 568	Household wares and unspecified articles of iron, steel or black sheet iron—in so far as— Enamelled, decorated, with or without gold; marbled or granited, with or without gold. Printed in one or more colours, with or without gold.
573	Cloisonne enamels. "Objets d'art" and ornamental wares of copper or bronze, including imitations (zinc and lead, pure or alloyed).
<i>ex</i> -XXIX.—ARMS, POWDER AND AMMUNITION.	
580	Regulation portable arms of war, and arms of war employed abroad (rifles and carbines).
581	Old arms for collections, and arms of all descriptions for panoplies; "armes de commerce".
582	Guns and gun carriages.
<i>ex</i> 585	Percussion caps for sporting purposes and for practice.
<i>ex</i> 586	Cartridges for war purposes, empty; cartridges for rifle clubs; cartridges for sporting purposes, empty (with caps or not).
587	Projectiles.
589	Fireworks.

*ex*-XXX.—FURNITURE.

Furniture, other than of bent wood:—	
<i>ex</i> 591 and <i>ex</i> 591 <i>bis</i>	Chairs and separate parts and pieces thereof carved inlaid, with marquetry, decorated with mosaic, ornamented with copper, gilt or lacquered.
<i>ex</i> 592	Other than chairs, veneered and counter-veneered with any kind of wood, separate pieces and parts, carved, inlaid, with marquetry, decorated with mosaic, ornamented with copper, gilt, or lacquered.
<i>ex</i> 592 <i>bis</i>	Other than chairs, massive and separate pieces and parts, carved and inlaid, with marquetry, decorated with mosaic, ornamented with copper, gilt or lacquered.
593	Covered and upholstered furniture of all kinds.
593 <i>bis</i>	Caned furniture, put together or not, or parts of such furniture.
594	Beadings and mouldings of wood.
594 <i>bis</i>	Frames of wood, of all sizes.

No. in French  
Customs Tariff.

Articles.

## XXXII.—MUSICAL INSTRUMENTS.

- 604 Musical instruments of all kinds.  
605 Accessories and detached parts of musical instruments.

## ex-XXXIII.—SPARTERIE AND BASKETWARE.

- ex 612 Trimmed hats (*chapeliers*), of straw, bark, esparto, palm fibre, or of other vegetable materials.

## ex-XXXIV.—MISCELLANEOUS MANUFACTURES.

- ex 614 Carriages, other than for railways—carriages properly so-called.
- ex 614 *ter* Automobile chassis, with or without engine and/or body, weighing less than 2,500 kilogs.  
Bodies for automobiles :—  
Weighing 2,509 kilogs or more, destined for carrying passengers.  
Weighing less than 2,500 kilogs.
- Carrying frames for chassis, of pressed sheet steel, for cars weighing less than 2,500 kilogs.  
Rims for automobiles of iron or steel, other than straight bars.  
Aircraft and detached parts :—Spherical balloons ; dirigibles with non-rigid envelopes ; dirigibles with rigid bodies ; aeroplanes and hydroplanes.  
Vessels and craft, *viz.* :—
- 618 *bis* Pleasure yachts and craft for the river.  
618 *ter* Motor boats with electric or explosion motor.
- 619 Rigging and fittings of ships not specially mentioned (in the Tariff).—*These goods are prohibited to be imported when the goods with which they are classed for Customs purposes are so prohibited.*
- ex 620 Dress shields, braces, garters, stockings or sock suspenders, belts, of rubber and gutta-percha.
- 628 Silk hats and opera hats.  
629 Coral, cut, not mounted.
- 630 to } Wares of real or imitation meerschaum.  
630 *ter* }
- 631 Whale fins, cut and prepared.  
631 *bis* Imitation whalebone made of horn.  
635 *bis* Photographic apparatus.
- ex 636 Fountain pens, stylographs and detached parts.  
637 Spectacles, eyeglasses, magnifying glasses lorgnettes, opera glasses, and field glasses of all kinds.  
Smallwares (*tabletterie*) of ivory, mother-of-pearl, tortoiseshell, amber and amberoid :
- 638 *ter* Combs.  
639 Billiard balls and counter-sunk beads (*noyaux*) of a greater diameter than 3 em.
- 640 Keys for keyboard musical instruments.  
640 Tobacco pipes and stems of native or exotic woods, mounted with amberoid, amber, ivory, tortoiseshell, or mother-of-pearl.
- 640 *ter* Cigar or cigarette holders, with or without mountings.  
640 *quater* Other smallwares of these materials.



No. in French Customs Tariff.	Articles.
641 and 641 <i>bis</i>	} Smallwares of other materials.
642	
643	Tobacco pipes of wood.
<i>ex</i> 644	Fans and hand screens, mounted or not.
644 <i>bis</i>	Brushmakers' wares, fine.
<i>ex</i> 645	Paint and other brushes.
	Buttons:—
	Fancy buttons, of common metal, covered or not with fabric, gilt, silver-plated, oxidised, nickelled, bronzed, enamelled, or electro-plated; buttons of jet, decorated, enamelled, gilt or silver-plated.
	Buttons covered with trimmings, crochet lace, or embroidery of any textile material.
	Buttons of glass with rims, of moulded horn, of buffalo horn of real horn, of celluloid, hardened casein, and other similar materials.
	Buttons of mother-of-pearl, ivory, tortoiseshell or of shells.
	Buttons of precious metal.
646 and 646 <i>bis</i>	Toymakers' wares ( <i>bimbeloterie</i> ) and their component parts.
647	Busks and springs of steel for corsets and other toilet accessories, fitted with clasps and buttons, covered with fabric, skin or paper.
647 <i>bis</i>	Corsets.
648 <i>bis</i>	Mechanical or automatic lighters.
649	Human hair, worked up.
650	Articles of fashion.
651	Artificial flowers, fruit and foliage, even fixed to articles other than articles of fashion, branches for vases and similar articles for decoration and their component parts.
651 <i>bis</i>	Plants and flowers, naturalised, sterilised, painted, or prepared.
<i>ex</i> 652	Umbrellas and parasols of silk.

SCHEDULE B. ANNEXED TO THE DECREE OF  
23RD APRIL, 1920.

MERCHANDISE, THE IMPORTATION OF WHICH IS SUBJECT TO SPECIAL RESTRICTIONS OR PROHIBITIONS ALREADY EXISTING AND MAINTAINED IN FORCE.

No. in French Customs Tariff.	Articles.
<i>ex</i> 16	Meat preserved by refrigerating process. <i>Importation effected by the State</i> (Decree of 13th June, 1919). <i>The prohibition will be raised as from 1st June, 1920</i> (Decree of 24th February 1920).
68	Wheat, spelt and meslin (grain and flour). <i>Importation effected by the State</i> (Decree of 13th June, 1919).
109	Tobacco in leaves or stalks; manufactured tobacco:—cigars, cigarettes, smoking and chewing tobacco; tobacco juice ( <i>prais</i> ) <i>In virtue of the Customs Law, these products may only be imported on behalf of the Régie, save that the importation of manufactured tobacco, for the personal use of the importer, up to an amount of 10 kilogs per consignee per annum is allowed, subject to the fulfilment of prescribed conditions and formalities.</i>
174	Spirits:—
	Potable spirits. <i>Prohibited.</i> (Decree of 22nd December, 1916, Law of 9th July, 1917, and Arrêté of 5th March, 1918.)

No. in French Customs Tariff.	Articles.
	Spirits, other than potable spirits, imported by manufacturers of full-bodied wines, vinegar, chemical or pharmaceutical products, such manufacturers, also for denaturing, and other spirits imported for any use with a view to re-exportation. <i>Importation is subject to the formality of a licence.</i> (Decree of 22nd December, 1916, Law of 9th July, 1917, and Arrêté of 5th March, 1918.)
	Spirits, other than potable spirits, for purposes other than those mentioned in the preceding paragraph. <i>Prohibited.</i> (Decree of 22nd December 1916, Law of 9th July 1917, Arrêté of 5th March 1918.)
174 bis	Liqueurs. <i>Prohibited.</i> (Decree of 22nd December 1916, Law of 9th July 1917, Arrêté of 5th March 1918.)
197	Petroleum, schist and other mineral oils for illuminating purposes. <i>Importation subject to licence.</i> (Decree of 4th December 1919.)
198	Heavy oils and residues of petroleum and other mineral oils. <i>Importation subject to licence.</i> (Decree of 4th December 1919.)
281	Saccharine. <i>Prohibited by the Customs Law.</i>
ex 316	Compound medicines, not specially mentioned (in the Tariff), not specified in an official pharmacopœia. <i>Prohibited by the Customs Law.</i>
ex 466 and ex 466 bis	{ Bank notes and all other monetary documents of Russian origin. <i>Prohibited.</i> (Decree of 22nd January 1919.) Venetian notes. <i>Prohibited.</i> (Decree of 8th January 1919.)
473	Counterfeits of copyrighted books. <i>Prohibited by the Customs Law.</i>
474	Playing cards. <i>Prohibited by the Customs Law.</i>
583	Gunpowder. <i>Prohibited by the Customs Law.</i>
ex 585	Percussion caps for war purposes. <i>Prohibited by the Customs Law.</i>
ex 586	Cartridges for war and sporting purposes, full. <i>Prohibited by the Customs Law.</i>
648	Chemical matches and wood prepared for matches. <i>By the Customs Law the importation of these goods is reserved to the Monopoly.</i>
...	Colouring materials, chemical, pharmaceutical and other products to be supplied by Germany in virtue of the Peace Treaty (Annex VI of the clauses relating to Reparations). <i>The importation of these materials and products from Germany in excess of the specified quantities is subject to licence.</i> (Law of 7th November 1919.)

C. A. INNES,

Secretary to the Govt. of India.



The following notification, issued by the Government of India in the Reforms Office, published in the *Gazette of India Extraordinary*, dated the 2nd June 1920, is republished for general information.

H. L. STEPHENSON,

*Chief Secy. to the Govt. of Bengal.*

### NOTIFICATION.

*Simla, the 31st May 1920.*

*No. 560F.*—Since the issue of the notifications Nos. 482-F. and 491F. dated May 5 and 11, 1920, respectively, the Government of India have at the instance of local Governments made certain modifications mainly of a minor character, in the rules published thereunder. The following revised and consolidated rules relating to the provincial legislative councils, the Legislative Assembly and the Council of State, which have been made under section 72A-(2) (a) and section 72A-(4) (a), (b), (c), (d), (e) and (f), section 63 A (1), 63 B (1) and (2) and 64 (1) (a), (b), (c), (d), (e) and (f) of the Government of India Act and submitted for the sanction of the Secretary of State in Council, are accordingly published for general information.

In exercise of the powers conferred by section 72-A. (4) and section 129-A of the Government of India Act, the Governor General in Council with the sanction of the Secretary of State in Council is pleased to make the following rules for the Legislative Council of the Governor of Bengal :—

Short title.

1. These rules may be called the Bengal Electoral Rules.

2. In these rules, unless there is anything repugnant in the subject or context,—

Definitions.

- (a) "the Act" means the Government of India Act;
- (b) "Commissioners" means Commissioners appointed for the purpose of holding an election inquiry under these rules;
- (c) "corrupt practice" means any act deemed to be a corrupt practice under the provisions of Schedule IV;
- (d) "election agent" means the person appointed under these rules by a candidate as his agent for an election;
- (e) "Gazette" means the *Calcutta Gazette*; and
- (f) "Schedule" means a Schedule to these rules.

### PART I.

#### COMPOSITION OF COUNCIL AND CONSTITUENCIES.

Composition of Legislative Council.

3. The Legislative Council of the Governor of Bengal shall consist of—

- (1) the members of the Executive Council *ex-officio*;
- (2) one hundred and fifteen elected members;
- (3) such number of members nominated by the Governor as, with the addition of the members of the Executive Council, shall amount to twenty-four; of the members so nominated—
  - (a) not more than eighteen may be officials, and not less than four shall be non-officials, and
  - (b) two shall be persons nominated to represent, respectively, the following classes or interests, namely:—
    - (i) the Indian Christian community, and
    - (ii) classes which, in the opinion of the Governor, are depressed classes.

Constituencies.

4. The elected members shall be elected by the constituencies specified in Schedule I, and the number of members to be elected by each constituency shall be as stated therein against that constituency.

## PART II.

## QUALIFICATIONS OF ELECTED MEMBERS.

General disqualifications for being elected.

5. (1) A person shall not be eligible for election as a member of the Council if such person—

- (a) is not a British subject; or
- (b) is a female; or
- (c) is already a Member of the Council or of any other legislative body constituted under the Act; or
- (d) having been a legal practitioner has been dismissed or is under suspension from practising as such by order of any competent court; or
- (e) has been adjudged by a competent court to be of unsound mind; or
- (f) is under 25 years of age; or
- (g) is an undischarged insolvent; or
- (h) being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part:

Provided that the local Government may direct that, subject to such conditions as it may prescribe, a Ruler of any State in India or the Rulers of any such States or a subject of any such State or any class of such subjects shall not be ineligible for election by reason only of not being a British subject or British subjects:

Provided further that the disqualification mentioned in clause (d) may be removed by an order of the local Government in this behalf.

(2) A person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for a period of more than six months is subsisting shall, unless the offence of which he was convicted has been pardoned, not be eligible for election for five years from the date of the expiration of the sentence.

(3) If any person is convicted of an offence under Chapter IX-A of the Indian Penal Code punishable with imprisonment for a term exceeding six months or is, after an inquiry by Commissioners appointed under any rules for the time being in force regarding elections to a legislative body constituted under the Act, reported as guilty of a corrupt practice as specified in Part I, or in paragraph 1, 2 or 3 of Part II of Schedule IV, such person shall not be eligible for election for five years from the date of such conviction or of the finding of the Commissioners, as the case may be; and a person reported by any such Commissioners to be guilty of any other corrupt practice shall be similarly disqualified for three years from such date.

(4) If any person has been a candidate or an election agent at an election to any legislative body constituted under the Act and has failed to lodge any prescribed return of election expenses or has lodged a return which is found, either by Commissioners holding an inquiry into the election or by a Magistrate in a judicial proceeding, to be false in any material particular, such person shall not be eligible for election for five years from the date of such election:

Provided that any disqualification mentioned in sub-rule (3) or sub-rule (4) of this rule may be removed by an order of the local Government in that behalf.

Special qualifications for election in case of certain constituencies.

6. (1) A person shall not be eligible for election as a Member of the Council to represent—

- (a) a general constituency unless his name is registered on the electoral roll of the constituency or of another general constituency of the same communal description; or
- (b) a Labour constituency unless his name is entered on the electoral roll of a general or special constituency; or
- (c) any other special constituency unless his name is entered on the electoral roll of the constituency.

(2) For the purposes of these rules—

- (a) "general constituency" means a non-Muhammadan, Muhammadan, European or Anglo-Indian constituency; and
- (b) "special constituency" means a Landholders', University, Commerce and Industry, or Labour constituency.



## PART III.

## THE ELECTORAL ROLL.

7. (1) Every person shall be entitled to have his name registered on the electoral roll of a constituency who has the qualifications prescribed for an elector of that constituency and who is not subject to any of the disqualifications hereinafter set out, namely:—

- (a) is not a British subject; or
- (b) is a female; or
- (c) has been adjudged by a competent court to be of unsound mind; or
- (d) is under 21 years of age:

Provided that the local Government may direct that, subject to such conditions as it may prescribe, a Ruler of any State in India or the Rulers of any such States or a subject of any such State or any class of such subjects shall not be disqualified for registration by reason only of not being a British subject or British subjects:

Provided further that, if a resolution is passed by the Council recommending that the sex disqualification for registration should be removed either in respect of women generally or any class of women, the local Government shall make regulations providing that women or a class of women, as the case may be, shall not be disqualified for registration by reason only of their sex:

Provided further that no person shall be entitled to have his name registered on the electoral roll of more than one general constituency.

(2) If any person is convicted of an offence under Chapter IX-A of the Indian Penal Code punishable with imprisonment for a term exceeding six months or is, after an inquiry by Commissioners appointed under any rules for the time being in force regarding elections to a legislative body constituted under the Act, reported as guilty of a corrupt practice as specified in Part I, or in paragraph 1, 2 or 3 of Part II of Schedule IV, his name, if on the electoral roll, shall be removed therefrom and shall not be registered thereon for a period of five years from the date of the conviction or the report, as the case may be, or, if not on the electoral roll, shall not be so registered for a like period; and if any person is reported by any such Commissioners as guilty of any other corrupt practice, his name, if on the electoral roll, shall be removed therefrom and shall not be registered thereon for a period of three years from the date of the report or, if not on the electoral roll, shall not be so registered for a like period:

Provided that the local Government may direct that the name of any person to whom this sub-rule applies shall be registered on the electoral roll.

8. (1) The qualifications of an elector for a general constituency shall be such qualifications based on—

Qualifications of electors.

- (i) community,
- (ii) residence, and
- (iii) (a) occupation of a building, or
- (b) payment of municipal or cantonment taxes or fees, or
- (c) payment of cesses under the Cess Act, 1880, or
- (d) payment of chaukidari tax or union rate under the Village-Chaukidari Act, 1870, or the Bengal Village Self-Government Act, 1919, or
- (e) payment of income-tax, or
- (f) receipt of a military pension, or
- (g) the holding of land,

as are specified in Schedule II in the case of that constituency.

(2) The qualifications of an elector for a special constituency shall be the qualifications specified in Schedule II in the case of that constituency.

9. (1) An electoral roll shall be prepared for every constituency, on which shall be entered the names of all persons appearing to be entitled to be registered as electors for that constituency. It shall be published in the constituency together with a notice specifying the mode in which and the time within

Electoral roll.

which any person whose name is not entered in the roll and who claims to have it inserted therein, or any person whose name is on the roll and who objects to the inclusion of his own name or of the name of any other person on the roll, may prefer a claim or objection to the revising authority.

(2) Subject to the provisions of these rules, the local Government shall make regulations providing for—

- (1) the authority by whom the electoral roll shall be prepared and the particulars to be contained in the roll;
- (2) the time at which the roll shall be prepared;
- (3) the publication of the roll in such manner and in such language as to give it wide publicity in the constituency to which it relates;
- (4) the mode in which and the time within which claims and objections may be preferred;
- (5) the constitution and appointment of Revising Authorities to dispose of claims and objections;
- (6) the manner in which notices of claims or objections shall be published;
- (7) the place, date, and time at which and the manner in which claims or objections shall be heard;

and may make such regulations to provide for other matters incidental or ancillary to the preparation and revision of the roll as it may consider desirable. Such regulations may be made as to rolls generally or any class of rolls or any particular roll.

(3) The orders made by the Revising Authority shall be final, and the electoral roll shall be amended in accordance therewith and shall, as so amended, be republished in such manner as the local Government may prescribe.

(4) The electoral roll shall come into force from the date of such republication, and shall continue in force for a period of three years or for such less period as the local Government may by regulation prescribe, and after the expiration of such period a fresh roll shall be prepared in accordance with these rules.

(5) If a constituency is called upon to elect a member or members after an electoral roll has ceased to have force and before the completion of the new electoral roll, the old electoral roll shall for the purposes of that election continue to operate as the electoral roll for the constituency.

10. Every person registered on the electoral roll for the time being in force for any constituency shall while so registered be entitled to vote at an election of a member or members for that constituency: provided that no person shall vote in more than one general constituency.

Right to vote.

## PART IV.

### ELECTIONS.

11. (1) Any person may be nominated as a candidate for election in any constituency for which he is eligible for election under these rules.

Nomination of candidates.

(2) On or before the date on which a candidate is nominated the candidate shall make in writing and sign a declaration appointing either himself or some other person who is not disqualified under these rules for the appointment to be his election agent, and no candidate shall be deemed to be duly nominated unless such declaration has been made.

(3) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be renominated as a candidate for the same election.

12. (1) If the number of candidates who are duly nominated and who have not withdrawn their candidature before

Procedure at election.

such time as the local Government may fix in this behalf exceeds that of the vacancies, a poll shall be taken.



(2) If the number of such candidates is equal to the number of vacancies, all such candidates shall be declared to be duly elected.

(3) If the number of such candidates is less than the number of vacancies, all such candidates shall be declared to be elected, and the Governor shall, by a notification in the Gazette, call for fresh nominations for the remaining vacancy or vacancies, and if any such are received shall call upon the constituency to elect a member or members as the case may be.

(4) Votes shall be given by ballot and in general and labour constituencies in person. No votes shall be received by proxy.

(5) In plural-member constituencies every elector shall have as many votes as there are members to be elected, but no elector shall give more than one vote to any one candidate:

Provided that in the Presidency and Burdwan (European) constituency the election shall be made according to the principle of proportionate representation by means of the single transferable vote, and votes shall be given in accordance with regulations made in that behalf by the local Government.

(6) Votes shall be counted by or under the supervision of the Returning Officer, and any candidate, or, in the absence of the candidate, a representative duly authorised by him in writing, shall have a right to be present at the time of counting.

(7) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates, as the case may be, to whom the largest number of votes has been given to be elected:

Provided that in the Presidency and Burdwan (European) constituency the Returning Officer shall determine the candidates to whom the largest number of votes has been given in accordance with the regulations made in that behalf.

(8) Where an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected, the determination of the person or persons to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

(9) The Returning Officer shall without delay report the result of the election to the Secretary to the Council, and the name or names of the candidate or candidates elected shall be published in the Gazette.

Government to make regulations regarding the conduct of election.

13. (1) Subject to the provisions of these rules, the local Government shall make regulations providing—

- (1) for the form and manner in, and the conditions on, which nominations may be made, and for the scrutiny of nominations;
- (2) for the appointment of a Returning Officer for each constituency and for his powers and duties;
- (3) in the case of general and labour constituencies, for the division of the constituencies into polling areas in such manner as to give all electors such reasonable facilities for voting as are practicable in the circumstances, and for the appointment of polling stations for these areas;
- (4) for the appointment of officers to preside at polling stations, and for the duties of such officers;
- (5) for the checking of voters by reference to the electoral roll;
- (6) for the manner in which votes are to be given, and in particular for the case of illiterate voters, or voters under physical or other disability;
- (7) for the procedure to be followed in respect of tender of votes by persons representing themselves to be electors after other persons have voted as such electors;
- (8) for the scrutiny of votes;
- (9) for the safe custody of ballot papers and other election papers, for the period for which such papers shall be preserved, and for the inspection and production of such papers;

and may make such other regulations regarding the conduct of elections as it thinks fit.

(2) In the exercise of the foregoing power regulations may be made as to elections generally or any class of elections or in regard to constituencies generally or any class of constituency or any particular constituency.

14. (1) If any person is elected by a constituency of the Council and by a constituency of either chamber of the Indian legislature, the election of such person to the Council shall be void and the Governor shall call upon the constituency concerned to elect another person.

Multiple elections.

(2) If any person is elected either by more than one constituency of the Council or by a constituency of the Council and a constituency of the Legislative Council of another province, he shall, by notice in writing signed by him and delivered to the Secretary to the Council or the Secretaries to both Councils, as the case may be, within seven days from the date of the publication of the result of such election in the local official Gazette, choose for which of these constituencies he shall serve, and the choice shall be conclusive.

(3) When any such choice has been made, the Governor shall call upon the constituency or constituencies for which such person has not chosen to serve to elect another person or persons.

(4) If the candidate does not make the choice referred to in sub-rule (2) of this rule, the election of such person shall be void and the Governor shall call upon the constituency or constituencies concerned to elect another person or persons.

#### *Election agents and return of expenses.*

15. No person shall be appointed an election agent who is himself ineligible for election as being subject to any disqualification mentioned in sub-rule (3) or sub-rule (4) of rule 5.

Disqualification for being election agent.

16. (1) Within one month or such longer period as the Governor may allow after the date of the declaration of the election every candidate, either personally or through his election agent, shall cause to be lodged with the Returning Officer a return of his election expenses containing the particulars specified in Schedule III.

Return of election expenses.

(2) Every such return shall contain a statement of all payments made by the candidate or by his election agent or by any persons on behalf of the candidate or in his interests for expenses incurred on account of, or in respect of, the conduct and management of the election, and further a statement of all unpaid claims in respect of such expenses of which he or his election agent is aware.

(3) The return shall be accompanied by declarations by the candidate and his election agent which shall be in the form contained in Schedule III and shall be made on oath or affirmation before a Magistrate.

(4) The local Government shall cause to be prepared in such manner, and maintained for such time, as it may direct, a record showing the names of all candidates at every election under these rules and the date on which the return of election expenses of each candidate has been lodged with the Returning Officer.

17. Every election agent shall keep regular books of account in which the particulars of all expenditure of the nature referred to in rule 16 shall be entered, whether such expenditure is incurred by the candidate or by the election agent or by any person under the direction of the candidate or the election agent.

Accounts of agents.

#### PART V.

##### NOMINATED MEMBERS.

General disqualifications for nomination.

18. (1) No person shall be nominated to the Council who—

(a) is not a British subject; or

(b) is a female; or

(c) is already a member of the Council or of any other legislative body constituted under the Act; or



- (d) having been a legal practitioner has been dismissed or is under suspension from practising as such by order of any competent court; or
- (e) has been adjudged by a competent court to be of unsound mind; or
- (f) is under 25 years of age; or
- (g) is an undischarged insolvent; or
- (h) being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part:

Provided that the local Government may direct that, subject to such conditions as it may prescribe, a Ruler of any State in India or the Rulers of any such States or a subject of any such State or any class of such subjects shall not be disqualified for nomination by reason only of not being a British subject or British subjects:

Provided further that the disqualification mentioned in clause (d) may be removed by an order of the local Government in this behalf.

(2) A person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for a period of more than six months is subsisting shall, unless the offence of which he was convicted has been pardoned, not be eligible for nomination for five years from the date of the expiration of the sentence.

(3) If any person is convicted of an offence under Chapter IX-A of the Indian Penal Code punishable with imprisonment for a term exceeding six months or is, after an inquiry by Commissioners appointed under any rules for the time being in force regarding elections to a legislative body constituted under the Act, reported as guilty of a corrupt practice as specified in Part I, or in paragraph 1, 2 or 3 of Part II, of Schedule IV, such person shall not be eligible for nomination for five years from the date of such conviction or of the finding of the Commissioners, as the case may be: and a person reported by any such Commissioners to be guilty of any other corrupt practice shall be similarly disqualified for three years from such date.

(4) If any person has been a candidate or an election agent at an election to any legislative body constituted under the Act and has failed to lodge any prescribed return of election expenses or has lodged a return which is found, either by Commissioners holding an inquiry into the election or by a Magistrate in a judicial proceeding to be false in any material particular, such person shall not be eligible for nomination for five years from the date of the election:

Provided that any disqualification mentioned in sub-rule (3) or sub-rule (4) of this rule may be removed by an order of the local Government in that behalf.

19. (1) A nominated non-official member shall hold office for the duration of the Council to which he is nominated.  
Terms of office of nominated member.

(2) Official members shall hold office for the duration of the Council to which they are nominated or for such shorter period as the Governor may, at the time of nomination, determine.

## PART VI.

### GENERAL PROVISIONS.

#### *Obligation to take oath.*

20. Every person who is elected or nominated to be a member of the Council shall before taking his seat make, at a meeting of the Council, an oath or affirmation of his allegiance to the Crown in the following form, namely:—

I, A. B. having been <sup>elected</sup><sub>nominated</sub> a member of this Council do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Majesty the King, Emperor of India, His heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter.

*Vacation of Seat.*

21. (1) If any person having been elected or nominated subsequently becomes subject to any of the disabilities stated in clauses (a), (d), (e), (g) and (h) of sub-rule (1) or in sub-rules (2), (3) and (4) of rule 5 or of rule 18, as the case may be, or fails to make the oath or affirmation prescribed by rule 20 within such time as the Governor considers reasonable, the Governor shall, by notification in the Gazette, declare his seat to be vacant.

(2) When any such declaration is made, the Governor shall, by notification as aforesaid, call upon the constituency concerned to elect another person within such time as may be prescribed by the notification, or shall nominate another person, as the case may be.

22. (1) When a vacancy occurs in the case of an elected member by reason of his election being declared void, or by reason of absence from India, inability to attend to duty, death, acceptance of office or resignation duly accepted, the Governor shall, by notification in the Gazette, call upon the constituency concerned to elect a person for the purpose of filling the vacancy within such time as may be prescribed by such notification.

(2) If a vacancy occurs in the case of a nominated member, the Governor shall nominate to the vacancy a person having the necessary qualification under these rules.

*First Constitution of the Council.*

23. (1) As soon as conveniently may be after these rules come into force, a Council shall be constituted in accordance with their provisions.

(2) For this purpose the Governor shall, by notification in the Gazette, call upon the constituencies referred to in rule 4 to elect members in accordance with these rules within such time as may be prescribed by such notification, and shall make such nominations as may be necessary to complete the Council before the date fixed for its first meeting.

(3) If any difficulty arises as to the preparation or publication of the first electoral roll or the holding of the first elections after the commencement of these rules, the local Government may by order do any matter or thing which appears to it necessary for the proper preparation or publication of the roll or for the proper holding of the elections.

*General Elections.*

24. (1) On the expiration of the duration of a Council or on its dissolution, a general election shall be held in order that a new Council may be constituted.

(2) On such expiration or dissolution, the Governor shall, by notification in the Gazette, call upon the constituencies referred to in rule 4 to elect members in accordance with these rules within such time after the date of expiration or dissolution as may be prescribed by such notification :

Provided that, if the Governor thinks fit, such notification may be issued at any time not being more than three months prior to the date on which the duration of the Council would expire in the ordinary course of events.

(3) Before the date fixed for the first meeting of the Council, the Governor shall make such nominations as may be necessary to complete the Council.

25. As soon as may be after the expiration of the time fixed for the election of members at any general election, the names of the members elected for the various constituencies at such election shall be notified in the Gazette.



## PART VII.

## THE FINAL DECISION OF DOUBTS AND DISPUTES AS TO THE VALIDITY OF AN ELECTION.

## Definitions.

26. In this Part and in Schedule IV, unless there is anything repugnant in the subject or context,—

- (a) "agent" includes an election agent and any person who is held by Commissioners to have acted as an agent in connection with an election with the knowledge or consent of the candidate;
- (b) "candidate" means a person who has been nominated as a candidate at any election or who claims that he has been so nominated or that this nomination has been improperly refused, and includes a person who, when an election is in contemplation, holds himself out as a prospective candidate at such election, provided that he is subsequently nominated as a candidate at such election; and
- (c) "returned candidate" means a candidate whose name has been published under these rules as duly elected.

27. No election shall be called in question except by an election petition presented in accordance with the provisions of this part.

28. An election petition may be presented to the Governor by any candidate or elector against any returned candidate within fourteen days from the date on which the result of the election has been published in accordance with sub-rule (9) of rule 12.

29. The petition shall contain a statement in concise form of the material facts on which the petitioner relies and the particulars of any corrupt practice which he alleges and shall, where necessary, be divided into paragraphs numbered consecutively. It shall be signed by the petitioner and verified in the manner prescribed for the verification of pleadings in the Code of Civil Procedure, 1908.

30. The petitioner may, if he so desires in addition to calling in question the election of the returned candidate, claim a declaration that he himself or any other candidate has been duly elected; in which case he shall join as respondent to his petition all other candidates who were nominated at the election.

31. At the time of presentation of the petition, the petitioner shall deposit with it the sum of one thousand rupees in cash or in Government Promissory Notes of equal value at the market rate of the day as security for the costs of the same.

32. (1) If the provisions of rule 31 are not complied with, the Governor shall dismiss the petition.

(2) Upon compliance with the provisions of rule 31—

(a) the Governor shall appoint as Commissioners for the trial of the petition three persons who are, or are eligible to be appointed, Judges of a High Court within the meaning of section 101 (3) of the Act, and shall appoint one of them to be the President, and thereafter all applications and proceedings in connection therewith shall be dealt with and held by such Commissioners;

(b) the President of the Commission so constituted shall, as soon as may be, cause a copy of the petition to be served on each respondent and to be published in the Gazette, and may call on the petitioner to execute a bond in such amount and with such sureties as he may require for the payment of any further costs. At any time within fourteen days after such publication, any other candidate shall be entitled to be joined as a respondent on giving security in a like amount and procuring the execution of a like bond.

(3) When in respect of an election in a constituency more petitions than one are presented, the Governor shall refer all such petitions to the same Commissioners, who may at their discretion inquire into the petitions either in one or in more proceedings as they shall think fit.

33. Every election petition shall be inquired into by the Commissioners,  
Inquiry by Commissioner. as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1908, to the trial of suits; provided that it shall only be necessary for the Commissioners to make a memorandum of the substance of the evidence of any witness examined by them.

34. The inquiry shall be held at such place as the Governor may  
Place of inquiry. appoint: provided that the Commissioners may in their discretion sit at any other place in the presidency for any part of the inquiry, and may depute any one of their number to take evidence at any place in the presidency.

Withdrawal of petition. 35. (1) No election petition shall be withdrawn without the leave of the Commissioners.

(2) If there are more petitioners than one, no application to withdraw a petition shall be made, except with the consent of all the petitioners.

(3) When an application for withdrawal is made notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition and shall be published in the Gazette.

(4) No application for withdrawal shall be granted if the Commissioners are of opinion that such application has been induced by any bargain or consideration which the Commissioners consider ought not to be allowed.

(5) If the application is granted—

(a) the petitioner shall be ordered to pay the costs of the respondent thereto fore incurred or such portion thereof as the Commissioners may think fit;

(b) such withdrawal shall be reported to the Governor, who shall publish notice thereof in the Gazette; and

(c) any person who might himself have been a petitioner may, within seven days of such publication, apply to be substituted as petitioner in place of the party withdrawing, and, upon compliance with the conditions of rule 31 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioners may think fit.

Abatement or substitution on death of petitioner. 36. (1) An election petition shall abate only on the death of a sole petitioner or of the survivor of several petitioners.

(2) Such abatement shall be reported to the Governor, who shall publish notice thereof in the Gazette.

(3) Any person who might himself have been a petitioner may, within seven days of such publication, apply to be substituted as petitioner, and, upon compliance with the conditions of rule 31 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioners may think fit.

Abatement or substitution on death of respondent. 37. If before the conclusion of the trial of an election petition the respondent dies or gives notice that he does not intend to oppose the petition, the Commissioners shall cause notice of such event to be published in the Gazette, and thereupon any person who might have been a petitioner may, within seven days of such publication, apply to be substituted for such respondent to oppose the petition, and shall be entitled to continue the proceedings upon such terms as the Commissioners may think fit.

Recrimination when seat claimed. 38. Where at an inquiry into an election petition any candidate, other than the returned candidate, claims the seat for himself, the returned candidate or any other party may give evidence to prove that the election of such candidate would have been void if he had been the returned candidate and a petition had been presented complaining of his election.



39. When at an inquiry into an election petition the Commissioners so order, the Advocate General or some person acting under his instructions shall attend and take such part therein as they may direct.

Attendance of Law Officers.

40. (1) Save as hereinafter provided in this rule, if in the opinion of the Commissioners—

Grounds for declaring election void.

(a) the election of a returned candidate has been procured or induced, or the result of the election has been materially affected, by a corrupt practice, or

(b) any corrupt practice specified in Part I of Schedule IV has been committed or

(c) the result of the election has been materially affected by any irregularity in respect of a nomination paper, or by the improper reception or refusal of a vote, or by any non-compliance with the provisions of the Act or the rules or regulations made thereunder, or by any mistake in the use of any form annexed thereto,

the election of the returned candidate shall be void.

(2) If the Commissioners report that a returned candidate has been guilty by an agent (other than his election agent) of any corrupt practice specified in Part I of Schedule IV which does not amount to any form of bribery other than treating as hereinafter explained or to the procuring or abetment of personation, and if the Commissioners further report that the candidate has satisfied them that—

(a) no corrupt practice was committed at such election by the candidate or his election agent, and the corrupt practices mentioned in the report were committed contrary to the orders and without the sanction or connivance of such candidate or his election agent, and

(b) such candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at such election, and

(c) the corrupt practices mentioned in the said report were of a trivial, unimportant and limited character, and

(d) in all other respects the election was free from any corrupt practice on the part of such candidate or any of his agents,

then the Commissioners may find that the election of such candidate is not void.

*Explanation.*—For the purpose of this sub-rule “treating” means the incurring in whole or in part by any person of the expense of giving or providing any food, drink, entertainment or provision to any person with the object, directly or indirectly, of inducing him or any other person to vote or refrain from voting or as a reward for having voted or refrained from voting.

41. (1) At the conclusion of the enquiry, the Commissioners shall report whether the returned candidate or any other party to the petition who has under the provisions of these rules claimed the seat has been duly elected, and in so reporting shall have regard to the provisions of rule 40.

Report of Commissioners and procedure thereon.

(2) The report shall be in writing and shall be signed by all the Commissioners. The Commissioners shall forthwith forward their report to the Governor who, on receipt thereof, shall issue orders in accordance with the report and publish the report in the Gazette, and the orders of the Governor shall be final.

42. If either in their report or upon any other matter there is a difference of opinion among the Commissioners, the opinion of the majority shall prevail, and their report shall be expressed in the terms of the views of the majority.

Form of report.

43. Where any charge is made in an election petition of any corrupt practice, the Commissioners shall record in their report—  
Findings as to corrupt practices and persons guilty thereof.

- (a) a finding whether a corrupt practice has or has not been proved to have been committed by any candidate or his agent, or with the connivance of any candidate or his agent, and the nature of such corrupt practice, and
- (b) the names of all persons (if any) who have been proved at the inquiry to have been guilty of any corrupt practice and the nature of such corrupt practice with any such recommendations as they may desire to make for the exemption of any such persons from any disqualifications they may have incurred in this connection under these rules.

## PART VIII.

## SPECIAL PROVISION.

44. If any question arises as to the interpretation of these rules otherwise than in connection with an election inquiry held thereunder, the question shall be referred for the decision of the Governor, and his decision shall be final.  
Interpretation in case of doubt.

## SCHEDULE I.

(See rule 4.)

## LIST OF CONSTITUENCIES.

Name of constituency.	Class of constituency.	Extent of constituency.	No. of members.
Calcutta A. (Non-Muhammadan)...	Non-Muhammadan Urban.	The Shampukur, Kumartoli, and Bartola wards of Calcutta	1
Calcutta B. (Non-Muhammadan)...	Ditto	The Jora Bagan and Bara Bazar wards of Calcutta.	1
Calcutta C. (Non-Muhammadan)...	Ditto	The Sukea's Street, Jorasanko and Collootola wards of Calcutta.	1
Calcutta D. (Non-Muhammadan)...	Ditto	The Muchipara, Bow Bazar, Padopukur, and Waterloo Street wards of Calcutta.	1
Calcutta E. (Non-Muhammadan)...	Ditto	The Fenwick Bazar, Taltola, Kalinga, Park Street, Baman Bustee, Entally, and Baniapukur wards of Calcutta.	1
Calcutta F. (Non-Muhammadan)...	Ditto	The Hastings, Ballyganj and Tollyganj, Bhowanipur, Alipur, Ekbalpur and Watganj wards of Calcutta.	1
Hooghly Municipal (Non-Muhammadan).	Ditto	The municipalities of the Hooghly district.	1
Howrah Municipal (Non-Muhammadan).	Ditto	The municipalities of the Howrah district	1
24-Parganas Municipal A. (Non-Muhammadan).	Ditto	The municipalities and cantonments of the Barrackpore subdivision of the 24-Parganas district and the Cossipore-Chittpore municipality.	1
24-Parganas Municipal B. (Non-Muhammadan).	Ditto	The municipalities of the Sadar, Barasat and Basirhat subdivisions of the 24-Parganas district excluding the municipality of Cossipore-Chittpore.	1
Dacca city (Non-Muhammadan)...	Ditto	The municipality of Dacca...	1



Name of constituency.	Class of constituency.	Extent of constituency.	No. of members.
Burdwan (Non-Muhammadan) ...	Non-Muhammadan Rural.	The Burdwan district ...	2
Birbhum (Non-Muhammadan) ...	Ditto ...	The Birbhum district ...	1
Bankura (Non-Muhammadan) ...	Ditto ...	The Bankura district ...	2
Midnapore, A. (Non-Muhammadan)	Ditto ...	The Ghatal and Sadar subdivisions of the Midnapore district.	1
Midnapore, B. (Non-Muhammadan)	Ditto ...	The Contai and Tamluk subdivisions of the Midnapore district.	2
Hooghly <i>cum</i> Howrah Rural (Non-Muhammadan),	Ditto ...	The Hooghly and Howrah districts excluding municipal areas.	1
24-Parganas Rural A. (Non-Muhammadan).	Ditto ...	The Sadar subdivision of the 24-Parganas district (excluding municipal and cantonment areas).	1
24-Parganas Rural B. (Non-Muhammadan).	Ditto ...	The Diamond Harbour subdivision of the 24-Parganas district.	1
24-Parganas Rural C. (Non-Muhammadan).	Ditto ...	The Baraset, Basirhat and Barrackpore subdivisions of the 24-Parganas district (excluding municipal and cantonment areas).	1
Nadia (Non-Muhammadan) ...	Ditto ...	The Nadia district ...	1
Murshidabad (Non-Muhammadan)	Ditto ...	The Murshidabad district ...	1
Jessore (Non-Muhammadan) ...	Ditto ...	The Jessore district ...	2
Khulna (Non-Muhammadan) ...	Ditto ...	The Khulna district ...	1
Dacca Rural (Non-Muhammadan)	Ditto ...	The Dacca district (excluding the municipality of Dacca).	1
Mymensingh A. (Non-Muhammadan).	Ditto ...	The Jamalpur and Tangail subdivisions of the Mymensingh district.	1
Mymensingh B. (Non-Muhammadan).	Ditto ...	The Sadar, Kishorganj and Netrakona subdivisions of the Mymensingh district.	1
Faridpur (Non-Muhammadan)	Ditto ...	The Faridpur district ...	2
Bakarganj A. (Non-Muhammadan)	Ditto ...	The northern Sadar, Southern Sadar, and Bhola subdivisions of the Bakarganj district.	1
Bakarganj B. (Non-Muhammadan)	Ditto ...	The Patuakhali and Pirojpur subdivisions of the Bakarganj district.	1
Chittagong (Non-Muhammadan)...	Ditto ...	The Chittagong district ...	1
Tippera (Non-Muhammadan) ...	Ditto ...	The Tippera district ...	1
Noakhali (Non-Muhammadan) ...	Ditto ...	The Noakhali district ...	1
Rajshahi (Non-Muhammadan) ...	Ditto ...	The Rajshahi district ...	1
Dinajpur (Non-Muhammadan) ...	Ditto ...	The Dinajpur district ...	1
Rangpur (Non-Muhammadan) ...	Ditto ...	The Rangpur district ...	1
Bogra <i>cum</i> Pabna (Non-Muhammadan).	Ditto ...	The Bogra and Pabna districts ...	1
Malda (Non-Muhammadan) ...	Ditto ...	The Malda district ...	1
Jalpaiguri (Non-Muhammadan) ...	Ditto ...	The Jalpaiguri district ...	1

Name of constituency.	Class of constituency.	Extent of constituency.	No. of members.
Calcutta A. (Muhammadan) ...	Muhammadan Urban	The Shampukur, Kumartoli, Bartola, Sukea's Street, Jora Bagan, Jorasanko, Bara Bazar, Collootola, Muchipara, Bow Bazar, Padopukur and Waterloo Street wards of Calcutta.	1
Calcutta B. (Muhammadan) ...	Ditto ...	The Fenwick Bazar, Taltola, Kalinga, Park Street, Baman Bustee, Hastings, Entally, Baniapukur, Ballyganj and Tollyganj, Bhowanipur, Alipur, Ekbalpur, and Watganj wards of Calcutta.	1
Hooghly <i>cum</i> Howrah Municipal (Muhammadan).	Ditto ...	The municipalities of the Hooghly and Howrah districts.	1
24-Parganas Municipal A. (Muhammadan),	Ditto ...	The municipalities and cantonments of the Barrackpore subdivision of the 24-Parganas district and the Cossipore-Chitpur municipality.	1
24-Parganas Municipal B. (Muhammadan).	Ditto ...	The municipalities of the Sadar, Baraset and Basirhat subdivisions of the 24-Parganas district excluding the municipality of Cossipore-Chitpur.	1
Dacca City (Muhammadan) ...	Ditto ...	The municipality of Dacca	1
Burdwan Division, North (Muhammadan).	Muhammadan Rural	The districts of Burdwan, Birbhum and Bankura.	2
Burdwan Division, South (Muhammadan).	Ditto ...	The districts of Midnapore, Hooghly and Howrah excluding the municipalities of the Hooghly and Howrah districts.	1
24-Parganas Rural (Muhammadan)	Ditto ...	The 24-Parganas district (excluding municipal and cantonment areas).	1
Nadia (Muhammadan) ...	Ditto ...	Nadia district ...	1
Murshidabad (Muhammadan) ...	Ditto ...	Murshidabad district ...	1
Jessore (Muhammadan) ...	Ditto ...	Jessore district ...	2
Khulna (Muhammadan) ...	Ditto ...	Khulna district ...	1
Dacca Rural (Muhammadan) ...	Ditto ...	Dacca district, excluding the Dacca municipality.	2
Mymensingh A. (Muhammadan) ...	Ditto ...	The Jamalpur and Tangail subdivisions of the Mymensingh district.	2
Mymensingh B. (Muhammadan) ...	Ditto ...	The Sadar, Kishoreganj and Netrakona subdivisions of the Mymensingh district.	2
Faridpur (Muhammadan) ...	Ditto ...	Faridpur district ...	2
Bakarganj A. (Muhammadan) ...	Ditto ...	The Northern Sadar and Bhola subdivisions of the Bakarganj district.	1
Bakarganj B. (Muhammadan) ...	Ditto ...	The Southern Sadar and Pirojpur subdivisions of the Bakarganj district.	1
Bakarganj C. (Muhammadan) ...	Ditto ...	The Patuakhali subdivision of the Bakarganj district.	1
Chittagong (Muhammadan) ...	Ditto ...	Chittagong district ...	2
Tippera (Muhammadan) ...	Ditto ...	Tippera district ...	2



Name of constituency.	Class of constituency.	Extent of constituency.	No. of members.
Noakhali (Muhammadan) ...	Muhammadan Rural	Noakhali district ...	2
Rajshahi (Muhammadan) ...	Ditto ...	Rajshahi district ...	2
Dinajpur (Muhammadan) ...	Ditto ...	Dinajpur district ...	1
Rangpur (Muhammadan) ...	Ditto ...	Rangpur district ...	2
Bogra (Muhammadan) ...	Ditto ...	Bogra district ...	1
Pabna (Muhammadan) ...	Ditto ...	Pabna district ...	1
Malda <i>cum</i> Jalpaiguri (Muhammadan).	Ditto ...	The districts of Malda and Jalpaiguri ...	1
Presidency and Burdwan (European).	European ...	The Presidency and Burdwan divisions...	4
Dacca and Chittagong (European)	Ditto ...	The divisions of Dacca and Chittagong, excluding the Chittagong Hill Tracts.	1
Rajshahi (European) ...	Ditto ...	The division of Rajshahi, excluding the district of Darjeeling.	1
Anglo-Indian ...	Anglo-Indian ...	The Presidency of Bengal, excluding the districts of Darjeeling and the Chittagong Hill Tracts.	3
Burdwan Landholders ...	Landholders ...	The Burdwan division ...	1
Presidency Landholders ...	Ditto ...	The Presidency division ...	1
Dacca Landholders ...	Ditto ...	The Dacca division ...	1
Chittagong Landholders ...	Ditto ...	The Chittagong division, excluding the Chittagong Hill Tracts.	1
Rajshahi Landholders ...	Ditto ...	The Rajshahi division, excluding the district of Darjeeling.	1
Calcutta University ...	University ...	(Non-territorial) ...	1
Bengal Chamber of Commerce ...	Commerce and Industry.	Ditto ...	6
Indian Jute Mills Association ...	Ditto ...	Ditto ...	2
Indian Tea Association ...	Ditto ...	Ditto ...	1
Indian Mining Association ...	Ditto ...	Ditto ...	1
Calcutta Trades Association ...	Ditto ...	Ditto ...	2
Bengal National Chamber of Commerce.	Ditto ...	Ditto ...	1
Bengal Marwari Association ...	Ditto ...	Ditto ...	1
Bengal Mahajan Sabha ...	Ditto ...	Ditto ...	1
24-Parganas Wage-earners ...	Labour ...	The municipalities and cantonments of the 24-Parganas district.	1
Calcutta Wage-earners ...	Ditto ...	Calcutta as defined in section 3 (7) of the Calcutta Municipal Act and the municipalities of the districts of Hooghly and Howrah.	1

## SCHEDULE II.

(See rule 8.)

## QUALIFICATIONS OF ELECTORS.

## Definitions.

## 1. In this schedule—

- (a) "an Anglo-Indian" means any person being a British subject and resident in British India,
- (i) of European descent in the male line who is not a European, or
- (ii) of mixed Asiatic and non-Asiatic descent whose father, grandfather or more remote ancestor in the male line was born in the Continent of Europe, Canada, Newfoundland, Australia, New Zealand, the Union of South Africa or the United States of America, and who is not a European;
- (b) "a European" means any person of European descent in the male line being a British subject and resident in British India, who either was born in or has a domicile in the British Isles, Canada, Newfoundland, Australia, New Zealand or the Union of South Africa or whose father was so born or has or had up to the date of the birth of the person in question such a domicile;
- (c) "previous year" means the financial year preceding that in which the electoral roll for the time being under preparation is first published under these rules.

*General Constituencies.*

## Qualifications based on community.

## 2. A person shall be qualified as an elector—

- (a) for a non-Muhammadan constituency who is neither a Muhammadan nor a European nor an Anglo-Indian; and
- (b) for a Muhammadan, European or Anglo-Indian constituency according as he is a Muhammadan, European or Anglo-Indian:

Provided that such person possesses the further qualifications herein after prescribed for an elector of the particular constituency.

3. Subject to the provisions of paragraph 2 of this Schedule, a person shall be qualified as an elector for an urban or rural constituency, other than a Calcutta constituency, who has a place of residence in the constituency and who—

- (1) has paid, during and in respect of the previous year or, as the case may be, during and in respect of the Bengali year preceding that in which the electoral roll for the time being under preparation is first published under these rules,—
- (a) in the municipalities of Howrah or Cossipore-Chitpur, municipal taxes or fees of not less than Rs. 3 or in any other municipal or cantonment area, municipal or cantonment taxes or fees of not less than Re. 1-8, or,
- (b) road and public works cesses under the Cess Act, 1880, of not less than Re. 1, or
- (c) chaukidari tax under the Village-Chaukidari Act, 1870, or union rate under the Bengal Village Self-Government Act, 1919, of not less than Rs. 2, or
- (d) income-tax; or
- (2) is a retired and pensioned officer (whether commissioned or non-commissioned) of His Majesty's regular forces.

4. Subject to the provisions of paragraph 2 of this Schedule, a person shall be qualified as an elector for a Calcutta constituency who has a place of residence in Calcutta as defined in section 3 (7) of the Calcutta Municipal Act, 1899, and who—

- (1) during the previous year—
- (i) was entered in the municipal assessment book as—
- (a) the owner and occupier of some land or building in Calcutta separately numbered and valued for assessment purposes at not less than Rs. 150 per annum, or



(b) the owner or occupier of some land or building in Calcutta separately numbered and valued for assessment purposes at not less than Rs. 300 per annum :

provided that no person shall be qualified in virtue of any of the above qualifications unless the owner and occupier's share, or the owner's or occupier's share as the case may be of the consolidated rate on such land or building for the aforesaid year has been paid during that year; or,

(ii) has paid in respect of that year on his sole account and in his own name not less than Rs. 24 either in respect of the consolidated rate levied under Chapter XII, or in respect of the taxes levied under Chapter XIII, or in respect of the taxes levied under Chapter XIV, of the Calcutta Municipal Act, 1899: provided that if any payment has been made in respect of the consolidated rate, a person shall be qualified only if his name is entered in the municipal assessment book in respect of the payment; or,

(iii) has paid income-tax in respect of that year; or

(2) is a retired and pensioned officer (whether commissioned or non-commissioned) of His Majesty's regular forces.

5. Subject to the provisions of paragraph 2 of this schedule, a person shall be qualified as an elector for a European constituency who has a place of residence in the constituency and has any of the qualifications prescribed for an elector of any urban or rural constituency included in the area of such European constituency.

6. Subject to the provisions of paragraph 2 of this schedule, a person shall be qualified as an elector in the Anglo-Indian constituency who has a place of residence in Bengal and has any of the qualifications prescribed for an elector of any urban or rural constituency.

7. Where property is held or payments are made jointly by the members of a joint family, the family shall be adopted as the unit for deciding whether under this Schedule the requisite qualification exists; and if it does exist, the person qualified shall be the manager of the family.

8. A person shall not be qualified as an elector for a general constituency by virtue of any property held or payment made as a trustee, administrator, receiver or guardian or in any other fiduciary capacity.

#### *Special Constituencies.*

9. A person shall be qualified as an elector for a Landholders' constituency who has a place of residence in the constituency and who during the previous year—

(a) in the case of the Burdwan Landholders' and Presidency Landholders' constituencies, held in his own right as a proprietor one or more estates or shares of estates and paid in respect thereof land revenue amounting to not less than Rs. 4,500, or road and public works cesses amounting to not less than Rs. 1,125, or,

(b) in the case of the Dacca Landholders', the Rajshahi Landholders', and the Chittagong Landholders' constituencies, held in his own right as a proprietor one or more estates or shares of estates, or one or more permanent tenures or shares of such tenures held direct from such a proprietor, and paid in respect thereof land-revenue amounting to not less than Rs. 3,000 on road and public works cesses amounting to not less than Rs. 750.

10. In determining the qualification of a person as an elector for a  
Determination of qualification. Landholders' constituency—

- (a) only such estates and shares of estates and only such permanent tenures and shares of permanent tenures as are not within the district of Darjeeling or the Chittagong Hill Tracts shall be taken into account;
- (b) only such estates and shares of estates as are held by him in his own right and not in a fiduciary capacity and are registered in his own name in the registers maintained under the Land Registration Act, 1876, shall be taken into account;
- (c) only such permanent tenures and shares of permanent tenures as are held by him (as owner) in his own right and not in a fiduciary capacity shall be taken into account;
- (d) only land revenue or road and public works cesses payable in respect of his own personal share shall be taken into account;
- (e) if a landholder pays land revenue or cesses in two or more constituencies and his payments in no one of these constituencies reach the amount prescribed for that constituency, and if his payment in all the constituencies, when aggregated, are not less than the amount prescribed for one of these constituencies in which he has a place of residence and pays land revenue or cesses, he shall be qualified as an elector for that constituency or, if there is more than one such constituency, for the constituency in which he makes the largest payment;
- (f) if the amount of land-revenue or road and public works cesses paid by a landholder in respect of any share of an estate, or permanent tenure is not definitely known, the District Officer of the district in which such estate or tenure is situated shall estimate the amount paid in respect of such share, and his decision shall be final.

*Explanation.*—A *mutwalli* or manager of a *wakf* estate shall be deemed to hold such estate in his own right, but a trustee or manager of an estate other than a *wakf* estate shall not be so deemed.

11. A person shall be qualified as an elector for the Calcutta University  
Calcutta University constituency. constituency who has a place of residence in Bengal and is a member of the Senate or an Honorary Fellow of the University, or a graduate of the University of not less than seven years' standing.

12. Chamber members of the Bengal Chamber of Commerce and perma-  
Commerce and Industry consti-  
 tuencies. nent members of the Indian Jute Mills Association and of the Indian Tea Association, and of the Indian Mining Association shall be qualified respectively as electors for the constituency comprising the Chamber or Association of which they are such members: provided that no person shall be so qualified who has not a place of residence in India.

*Explanation.*—"Chamber member" and "permanent member" include any person entitled to exercise the rights and privileges of Chamber membership or permanent membership, as the case may be, on behalf of any firm, company or other corporation registered as such member.

(2) Members of the Calcutta Trades Association, life and ordinary members of the Bengal National Chamber of Commerce, life and ordinary members of the Bengal Mahajan Sabha, and life, ordinary and mufassal members of the Marwari Association, Calcutta, shall be qualified respectively as electors for the constituency comprising the Association, Chamber or Sabha of which they are such members: provided that no person shall be so qualified who has not a place of residence in India.

*Explanation.*—"Member," "life member," "ordinary member" and "mufassal member" include—

- (a) in the case of a firm, any one partner in the firm, or, if no such partner is present in Calcutta at the date fixed for the election, any one person empowered to sign for such firm, and
- (b) in the case of a company or other corporation any one manager, director or secretary of the company or corporation.



13. A person shall be qualified as an elector for a labour constituency who has a place of residence in the constituency and is, on account of employment by a company which is a member of one of the affiliated Associations of the Bengal Chamber of Commerce, in receipt of a monthly wage amounting to Rs. 25 and not exceeding Rs. 35.

### SCHEDULE III.

(See rule 16.)

#### *Return of election expenses.*

1. Under the head of receipts there shall be shown the name and description of every person (including the candidate), club, society or association from whom any money, security or equivalent of money was received in respect of expenses incurred on account of, or in connection with, or incidental to, the election, and the amount received from each person, club, society or association separately.

2. Under the head of expenditure, there shall be shewn :—

(a) the personal expenditure of the candidate incurred or paid by him or his election agent, including travelling and all other personal expenses incurred in connection with his candidature ;

(b) the name, and the rate and total amount of the pay, of each person employed as an agent (including the election agent), clerk or messenger ;

(c) the travelling expenses and any other expenses incurred by the candidate or his election agent on account of agents (including the election agent), clerks or messengers ;

(d) the travelling expenses of persons, whether in receipt of salary or not, incurred in connection with the candidature, and whether paid or incurred by the candidate, his election agent or the person so travelling ;

(e) the cost whether paid or incurred of—

(i) printing,

(ii) advertising,

(iii) stationery,

(iv) postage,

(v) telegrams, and

(vi) rooms hired either for public meetings or as committee rooms ;

(f) any other miscellaneous expenses whether paid or incurred.

NOTE.—(1) All expenses incurred in connection with the candidature, whether paid by the candidate, his election agent, or any other person, or remaining unpaid on the date of the return are to be set out.

(2) For all items of Rs. 5 and over, unless from the nature of the case (*e.g.*, travel by rail or postage) a receipt is not obtainable, vouchers are to be attached.

(3) All sums paid but for which no receipt is attached are to be set out in detail with dates of payment.

(4) All sums unpaid are to be set out in a separate list.

3. The form of affidavit referred to in rule 16 shall be as follows :—

*Affidavit.*

I                    being the appointed election agent for                    a candidate for election in the                    constituency (or I                    being a candidate for election in the                    constituency), do hereby solemnly affirm that the above return of election expenses is true to the best of my knowledge and belief, and that, except the expenses herein set forth, no expenses of any nature whatsoever have to my knowledge and belief been incurred in, and for the purposes of, <sup>'s candidature</sup> ~~my candidature~~.

(Sd.)

*Election agent or Candidate.*

Solemnly affirmed before me.

*Magistrate.*

SCHEDULE IV.

(See rules 5, 7, 18, 29, 40 and 43.)

The following shall be deemed to be corrupt practices for the purposes of these rules :—

PART I.

1. A gift, offer or promise by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, of any gratifications to any person <sup>Bribery</sup> whomsoever, with the object, directly or indirectly, of inducing—

(a) a person to stand or not to stand as, or to withdraw from being, a candidate, or

(b) an elector to vote or refrain from voting at an election,

or as a reward to—

(a) a person for having so stood or not stood or for having withdrawn his candidature, or

(b) an elector for having voted or refrained from voting.

*Explanation.*—For the purpose of this clause the term “gratification” is not restricted to pecuniary gratifications or gratifications estimable in money, and includes all forms of entertainment and all forms of employment for reward; but it does not include the payment of any expenses *bona fide* incurred at or for the purposes of any election and duly entered in the return of election expenses prescribed by these rules.

2. (1) The <sup>Undue influence.</sup> voluntary interference or attempted interference by a candidate or his agent or any other person with the connivance of the candidate or his agent with the free exercise of the right of any person to stand or not to stand as, or to withdraw from being, a candidate or to vote or refrain from voting at an election

(2) A threat of injury to any person or to any person in whom that person is interested or the inducement or attempted inducement of any person to believe that he or any person in whom he is interested will become or will be rendered the object of divine displeasure or of spiritual censure shall be deemed to be interference within the meaning of this paragraph :



Provided that a declaration of public policy or promise of public action shall not be deemed to be interference.

3. The procuring or abetting or attempting to procure by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, the application by a person for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or by a person who has voted once at an election for a voting paper in his own name at the same election.

4. The publication by a candidate or his agent, or by any other person with the connivance of the candidate or his agent, of any statement of fact which is false and which he either believes to be false or does not believe to be true in relation to the personal character or conduct of any candidate or in relation to the candidature or withdrawal of any candidate, which statement is reasonably calculated to prejudice such candidate's election.

## PART II.

1. Any act specified in Part I, when done by a person who is not a candidate or his agent or person acting with the connivance of a candidate or his agent.

2. The application by a person at an election for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or for a voting paper in his own name after he has already voted at such election.

3. The receipt of, or agreement to receive, any gratification, whether as motive or a reward,—

(a) by a person to stand or not to stand as, or to withdraw from being, a candidate; or

(b) by any person whomsoever for himself or any other person for voting or refraining from voting, or for inducing or attempting to induce any elector to vote or refrain from voting or any candidate to withdraw his candidature.

4. Any payment or promise of payment to any person whomsoever on account of the conveyance of any elector to or from any place for the purpose of recording his vote.

5. The hiring, employment, borrowing or using for the purposes of the election of any boat, vehicle or animal usually kept for letting on hire or for the conveyance of passengers by hire:

Provided that any elector may hire any boat, vehicle or animal, or use any boat, vehicle or animal which is his own property, to convey himself to or from the place where the vote is recorded.

6. The incurring or authorisation of expenses by any person other than a candidate or election agent on account of holding any public meeting or upon any advertisement, circular or publication or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, unless he is authorised in writing so to do by the candidate.

7. The hiring, using or letting, as a committee-room or for the purpose of any meeting to which electors are admitted, of any building, room or other place where intoxicating liquor is sold to the public.

8. The issuing of any circular, placard or poster having reference to the election which does not bear on its face the name and address of the printer and publisher thereof.

In exercise of the powers conferred by section 64 (1) and section 129-A of the Government of India Act, the Governor General in Council, with the sanction of the Secretary of State in Council, is pleased to make the following rules for the Legislative Assembly:—

1. These rules may be called the Legislative Assembly Electoral Rules.  
Short title.
2. In these rules, unless there is anything repugnant in the subject or context,—  
Definitions.
  - (a) “the Act” means the Government of India Act;
  - (b) “Commissioners” means Commissioners appointed for the purpose of holding an election inquiry under these rules;
  - (c) “corrupt practice” means any act deemed to be a corrupt practice under the provisions of Schedule IV;
  - (d) “election agent” means the person appointed under these rules by a candidate as his agent for an election;
  - (e) “Gazette” means the *Gazette of India*; and
  - (f) “Schedule” means a Schedule to these rules.

### PART I.

#### COMPOSITION OF LEGISLATIVE ASSEMBLY AND CONSTITUENCIES.

3. The Legislative Assembly shall consist of—  
Composition of Legislative Assembly.
  - (1) one hundred and two elected members, and
  - (2) forty-one members nominated by the Governor General, of whom not more than twenty-six may be officials, and one shall be a person nominated as the result of an election held in Berar.

#### *Elected Members.*

4. The elected members shall be elected by the constituencies specified in Schedule I subject to the provisions of that Schedule in regard to constituencies entitled to elect in rotation, and the number of members to be elected by each constituency shall be as stated therein against that constituency.  
Constituencies.

### PART II.

#### QUALIFICATIONS OF ELECTED MEMBERS.

5. (1) A person shall not be eligible for election as a Member of the Legislative Assembly if such person—  
General disqualifications for being elected.
  - (a) is not a British subject; or
  - (b) is a female; or
  - (c) is already a member of any legislative body constituted under the Act; or
  - (d) having been a legal practitioner has been dismissed or is under suspension from practising as such by order of any competent court; or
  - (e) has been adjudged by a competent court to be of unsound mind; or
  - (f) is under 25 years of age; or
  - (g) is an undischarged insolvent; or
  - (h) being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part;

Provided that, if the Ruler of a State in India or any subject of such a State is not ineligible for election to the Legislative Council of a province, such Ruler or subject shall not by reason of not being a British subject be ineligible for election to the Legislative Assembly by any constituency in that province:

Provided further that the disqualification mentioned in clause (d) may be removed by an order of the Governor General in Council in this behalf.



(2) A person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for a period of more than six months is subsisting shall, unless the offence of which he was convicted has been pardoned, not be eligible for election for five years from the date of the expiration of the sentence.

(3) If any person is convicted of an offence under Chapter IX-A of the Indian Penal Code punishable with imprisonment for a term exceeding six months or is, after an inquiry by Commissioners appointed under any rules for the time being in force regarding elections to a legislative body constituted under the Act, reported as guilty of a corrupt practice as specified in Part I, or in paragraph 1, 2 or 3 of Part II, of Schedule IV, such person shall not be eligible for election for five years from the date of such conviction or of the finding of the Commissioners, as the case may be; and a person reported by any such Commissioners to be guilty of any other corrupt practice shall be similarly disqualified for three years from such date.

(4) If any person has been a candidate or an election agent at an election to any legislative body constituted under the Act and has failed to lodge any prescribed return of election expenses, or has lodged a return which is found either by Commissioners holding an inquiry into the election or by a Magistrate in a judicial proceeding to be false in any material particular, such person shall not be eligible for election for five years from the date of such election:

Provided that any disqualification mentioned in sub-rule (3) or sub-rule (4) of this rule may be removed by an order of the Governor General in Council in that behalf.

Special qualifications for election  
in case of certain constituencies.

6. (1) A person shall not be eligible for election as a Member of the Legislative Assembly

to represent—

- (a) a general constituency in the presidency of Madras or in the presidency of Bengal, unless his name is registered on the electoral roll of the constituency or of another constituency of the same communal description situate in the same presidency; or
- (b) a general constituency in the presidency of Bombay, unless his name is registered on the electoral roll of the constituency and he has resided in the constituency for a period of six months prior to the last day fixed for the nomination of candidates in that constituency; or
- (c) a general constituency in the province of Bihar and Orissa or in the province of Assam, unless his name is registered on the electoral roll of the constituency or of any other general constituency in the same province; or
- (d) a Muhammadan or non-Muhammadan constituency in the United Provinces of Agra and Oudh, unless his name is registered on the electoral roll of a Muhammadan or non-Muhammadan constituency in that province; or
- (e) a general constituency in the Punjab or in the Central Provinces or a European constituency in the United Provinces of Agra and Oudh or a constituency in the Province of Burma or any special constituency, unless his name is registered on the electoral roll of the constituency.

(2) For the purposes of these rules—

- (a) “general constituency” means a non-Muhammadan, Muhammadan, European, non-European, or Sikh constituency; and
- (b) “special constituency” means a Landholders’ or Indian Commerce constituency.

## PART III

## THE ELECTORAL ROLL.

7. (1) Every person shall be entitled to have his name registered on the electoral roll of a constituency who has the qualifications prescribed for an elector of that constituency and who is not subject to any of the disqualifications hereinafter set out, namely :—

General conditions of registration and disqualifications.

- (a) is not a British subject ; or
- (b) is a female ; or
- (c) has been adjudged by a competent court to be of unsound mind ; or
- (d) is under 21 years of age :

Provided that, if the Ruler of a State in India or any subject of such a State is not disqualified for registration on the electoral roll of a constituency of the Legislative Council of a province, such ruler or subject shall not by reason of not being a British subject be disqualified for registration on the electoral roll of any constituency of the Legislative Assembly in that province :

Provided further that, if a resolution is passed by the Legislative Assembly recommending that the sex disqualification for registration should be removed either in respect of women generally or any class of women, the Governor-General in Council shall make regulations providing that women or a class of women, as the case may be, shall not be disqualified for registration by reason only of their sex :

Provided further that no person shall be entitled to have his name registered on the electoral roll of more than one general constituency.

(2) If any person is convicted of an offence under Chapter IX-A of the Indian Penal Code punishable with imprisonment for a term exceeding six months or is after an inquiry by Commissioners appointed under any rules for the time being in force regarding elections to a legislative body constituted under the Act, reported as guilty of a corrupt practice as specified in Part I, or in paragraph 1, 2 or 3 of Part II, of Schedule IV, his name, if on the electoral roll, shall be removed therefrom and shall not be registered thereon for a period of five years from the date of the conviction or the report, as the case may be, or if not on the electoral roll, shall not be so registered for a like period ; and if any person is reported by any such Commissioners as guilty of any other corrupt practice, his name, if on the electoral roll, shall be removed therefrom and shall not be registered thereon for a period of three years from the date of the report or, if not on the electoral roll, shall not be so registered for a like period :

Provided that the Governor-General in Council may direct that the name of any person to whom this sub-rule applies shall be registered on the electoral roll.

8. (1) The qualifications of an elector for a general constituency shall be such qualifications based on—

Qualifications of electors.

- (i) community,
- (ii) residence, and
- (iii) (a) ownership or occupation of a building, or
- (b) assessment to or payment of municipal or cantonment rates or taxes or local cesses ; or
- (c) assessment to or payment of income tax ; or
- (d) the holding of land ; or
- (e) membership of a local body,

as are specified in Schedule II in the case of that constituency.

(2) The qualifications of an elector for a special constituency shall be the qualifications specified in Schedule II in the case of that constituency.

9. (1) An electoral roll shall be prepared for every constituency, on which shall be entered the names of all persons appearing to be entitled to be registered as electors for that constituency. It shall be published in the constituency together with a notice specifying the mode in which and the time within which any person whose name is not entered in the roll and who claims to have it inserted therein, or any person whose name is on the roll and who

Electoral roll.



objects to the inclusion of his own name or of the name of any other person on the roll, may prefer a claim or objection to the Revising Authority.

(2) The regulations for the time being in force in any province for the purpose of elections to the Legislative Council of that province in regard to the following matters, namely,—

- (1) the authority by whom the electoral roll shall be prepared and the particulars to be contained in the roll,
- (2) the time at which the roll shall be prepared,
- (3) the publication of the roll in the constituency to which it relates,
- (4) the mode in which and the time within which claims and objections may be preferred,
- (5) the constitution and appointment of Revising Authorities to dispose of claims and objections,
- (6) the manner in which notices of claims and objections shall be published,
- (7) the place, date and time at which and the manner in which claims or objections shall be heard,

shall apply for the purpose of the holding of elections within that province to the Legislative Assembly:

Provided that the Governor General in Council may, by notification in the Gazette, direct that such modifications and adaptations as he may specify shall be made in the application of those regulations.

(3) The orders made by the Revising Authority shall be final, and the electoral roll shall be amended in accordance therewith and shall, as so amended, be republished in the case of each province in such manner as may be prescribed by the regulations aforesaid for the republication of electoral rolls of constituencies of the Legislative Council.

(4) The electoral roll shall come into force from the date of such republication, and shall continue in force for a period of three years or for such less period as the Governor General in Council may by regulation prescribe, and after the expiration of such period a fresh roll shall be prepared in accordance with these rules.

(5) If a constituency is called upon to elect a member or members after an electoral roll has ceased to have force and before the completion of the new electoral roll, the old electoral roll shall for the purposes of that election continue to operate as the electoral roll for the constituency.

10. Every person registered on the electoral roll for the time being in force for any constituency shall while so registered be entitled to vote at an election of a member or members for that constituency: provided that no person shall vote in more than one general constituency.

Right to vote

#### PART IV.

##### ELECTIONS.

11. (1) Any person may be nominated as a candidate for election in any constituency for which he is eligible for election under these rules.

Nomination of candidates.

(2) On or before the date on which a candidate is nominated, the candidate shall make in writing and sign a declaration appointing either himself or some other person who is not disqualified under these rules for the appointment to be his election agent, and no candidate shall be deemed to be duly nominated unless such declaration has been made.

(3) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be renominated as a candidate for the same election.

12. (1) If the number of candidates who are duly nominated and who have not withdrawn their candidature before such time as the Governor General in Council may fix in this behalf exceeds that of the vacancies, a poll shall be taken.

Procedure at election.

(2) If the number of such candidates is equal to the number of vacancies all such candidates shall be declared to be duly elected.

(3) If the number of such candidates is less than the number of vacancies, all such candidates shall be declared to be elected, and the Governor General shall, by a notification in the Gazette, call for fresh nominations for the remaining vacancy or vacancies, and if any such are received shall call upon the constituency to elect a member or members as the case may be.

(4) Votes shall be given by ballot and in General and Landholders' constituencies in person. No votes shall be received by proxy.

(5) In plural-member constituencies every elector shall have as many votes as there are members to be elected: provided that no elector shall give more than one vote to any one candidate except in the case of the plural-member constituencies in the presidency of Bombay, in which constituencies any elector may accumulate his votes upon one candidate or distribute them amongst the candidates as he pleases:

Provided that in the Bengal (European) constituency the election shall be made according to the principle of proportionate representation by means of the single transferable vote, and votes shall be given in accordance with regulations made in that behalf by the Governor General in Council.

(6) Votes shall be counted by or under the supervision of the Returning Officer, and any candidate, or, in the absence of the candidate, a representative duly authorised by him in writing, shall have a right to be present at the time of counting.

(7) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates, as the case may be, to whom the largest number of votes has been given to be elected:

Provided that in the Bengal (European) constituency the Returning Officer shall determine the candidates to whom the largest number of votes has been given in accordance with the regulations made in that behalf.

(8) Where an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected, the determination of the person or persons to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

(9) The Returning Officer shall without delay report the result of the election to the Secretary to the Government of India in the Legislative Department, and the name or names of the candidate or candidates elected shall be published in the Gazette.

13. The regulations for the time being in force in any province for the purpose of elections to the Legislative Council of that province in regard to the following matters, namely,—

Regulations regarding the conduct of elections.

- (1) for the form and manner in, and the conditions on, which nominations may be made, and for the scrutiny of nominations,
- (2) for the appointment of a Returning Officer for each constituency and for his powers and duties,
- (3) for the division of General and Landholders' constituencies into polling areas and for the appointment of polling stations for these areas,
- (4) for the appointment of officers to preside at polling stations, and for the duties of such officers,
- (5) for the checking of voters by reference to the electoral roll,
- (6) for the manner in which votes are to be given, both generally and in the case of illiterate voter or voters under physical or other disability,
- (7) for the procedure to be followed in respect of tender of votes by persons representing themselves to be electors after other persons have voted as such electors,
- (8) for the scrutiny of votes,
- (9) for the safe custody of ballot papers and other election papers, for the period for which such papers shall be preserved, and for the inspection and production of such papers, and
- (10) for the conduct of elections generally.

shall apply for the purpose of the holding of elections within that province to the Legislative Assembly:



Provided that the Governor-General in Council may, by notification in the Gazette, direct that such modifications and adaptations as he may specify shall be made in the application of those regulations.

14. (1) If any person is elected by more than one constituency, he shall, by notice in writing signed by him and delivered to the Secretary to the Government of India in the Legislative Department within seven days from the date of the publication of the result of such election in the *Gazette*, choose for which of these constituencies he shall serve, and the choice shall be conclusive.

(2) When any such choice has been made, the Governor-General shall call upon any constituency or constituencies for which such person has not chosen to serve to elect another person or persons.

(3) If the candidate does not make the choice referred to in sub-rule (1) of this rule, the election of such person shall be void and the Governor-General shall call upon the constituency or constituencies concerned to elect another person or persons.

#### *Election agents and Return of expenses.*

15. No person shall be appointed an election agent who is himself ineligible for election as being subject to any disqualification mentioned in sub-rule (3) or sub-rule (4) of rule 5.

16. (1) Within one month or such longer period as the Governor-General may allow after the date of the declaration of the result of the election every candidate, either personally or through his election agent, shall cause to be lodged with the Returning Officer a return of his election expenses containing the particulars specified in Schedule III.

(2) Every such return shall contain a statement of all payments made by the candidate or by his election agent or by any persons on behalf of the candidate or in his interests for expenses incurred on account of or in respect of the conduct and management of the election, and further a statement of all unpaid claims in respect of such expenses of which he or his election agent is aware.

(3) The return shall be accompanied by declarations by the candidate and his election agent, which shall be in the form contained in the said Schedule and shall be made on oath or affirmation before a Magistrate.

(4) The Governor General in Council shall cause to be prepared in such manner, and maintained for such time, as he may direct, a record showing the names of all candidates at every election under these rules and the date on which the return of election expenses of each candidate has been lodged with the Returning Officer.

17. Every election agent shall keep regular books of account in which the particulars of all expenditure of the nature referred to in rule 16 shall be entered, whether such expenditure is incurred by the candidate or by the election agent or by any person under the direction of the candidate or the election agent.

### PART V.

#### NOMINATED MEMBERS.

18. (1) Save as expressly provided in these rules in regard to the nomination of a person elected in Berar, no person shall be nominated to the Legislative Assembly who—

- (a) is not a British subject ; or
- (b) is a female ; or
- (c) is already a member of any legislative body constituted under the Act ; or
- (d) having been a legal practitioner has been dismissed or is under suspension from practising as such by order of any competent court ; or
- (e) has been adjudged by a competent court to be of unsound mind ; or

(f) is under 25 years of age ; or

(g) is an undischarged insolvent ; or

(h) being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part :

Provided that, if the Ruler of a State in India or any subject of such a State is not disqualified for nomination to the Legislative Council of a province, such Ruler or subject shall not by reason of not being a British subject be disqualified for nomination to the Legislative Assembly to represent that province :

Provided further that the disqualification mentioned in clause (d) may be removed by an order of the Governor General in Council in this behalf.

(2) A person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for a period of more than six months is subsisting shall, unless the offence of which he was convicted has been pardoned, not be eligible for nomination for five years from the date of the expiration of the sentence.

(3) If any person is convicted of an offence under Chapter IX-A of the Indian Penal Code punishable with imprisonment for a term exceeding six months or is after an inquiry by Commissioners appointed under any rules for the time being in force regarding elections to a legislative body constituted under the Act, reported as guilty of a corrupt practice as specified in Part I, or in paragraph 1, 2 or 3 of Part II, of Schedule IV such person shall not be eligible for nomination for five years from the date of such conviction or of the finding of the Commissioners, as the case may be ; and a person reported by any such Commissioners to be guilty of any other corrupt practice shall be similarly disqualified for three years from such date.

(4) If any person who has been a candidate or an election agent at an election to any legislative body constituted under the Act and has failed to lodge any prescribed return of election expenses or has lodged a return which is found either by Commissioners holding an inquiry into the election or by a Magistrate in a judicial proceeding to be false in any material particular, such person shall not be eligible for nomination for five years from the date of the election :

Provided that any disqualification mentioned in sub-rule (3) or sub-rule (4) of this rule may be removed by an order of the Governor General in Council in that behalf.

19. (1) A nominated non-official member shall hold office for the duration of the Legislative Assembly to which he is nominated.

Term of office of nominated member.

(2) Official members shall hold office for the duration of the Legislative Assembly to which they are nominated or for such shorter period as the Governor General may, at the time of nomination, determine.

## PART VI.

### GENERAL PROVISIONS.

#### *Obligation to take oath.*

20. Every person who is elected or nominated to be a member of the Legislative Assembly shall before taking his seat make at a meeting of the Legislative Assembly an oath or affirmation of his allegiance to the Crown in the following form, namely :—

Taking of oath.

I, A. B. having been <sup>elected</sup><sub>nominated</sub> a member of this Assembly do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Majesty the King, Emperor of India, his heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter.



*Vacation of seat.*

21. If any person having been elected or nominated subsequently becomes subject to any of the disabilities stated in clauses (a), (d), (e), (g) and (h) of sub-rule (1) or in sub-rules (2), (3) and (4) of rule 5 or of rule 18, as the case may be, or fails to make the oath or affirmation prescribed by rule 20 within such time as the Governor General considers reasonable, the Governor General shall, by notification in the Gazette, declare his seat to be vacant.

22. (1) When a vacancy occurs in the case of an elected member by reason of his election being declared void or his seat being declared vacant, or by reason of absence from India, inability to attend to duty, death, acceptance of office or resignation duly accepted, the Governor General shall, by notification in the Gazette, call upon the constituency concerned to elect a person for the purpose of filling the vacancy within such time as may be prescribed by such notification.

(2) If a vacancy occurs in the case of a nominated member, the Governor General shall nominate to the vacancy a person having the necessary qualification under these rules.

*First constitution of the Legislative Assembly.*

23. (1) As soon as conveniently may be after these rules come into force, a Legislative Assembly shall be constituted in accordance with their provisions.

(2) For this purpose the Governor General shall, by notification in the Gazette, call upon the constituencies referred to in rule 4 to elect members in accordance with these rules within such time as may be prescribed by such notification, and shall make such nominations as may be necessary to complete the Legislative Assembly before the date fixed for its first meeting.

(3) If any difficulty arises as to the preparation or publication of the first electoral roll or the holding of the first elections after the commencement of these rules, the Governor General in Council may by order do any matter or thing which appears to him necessary for the proper preparation or publication of the roll or for the proper holding of the elections.

*General Elections.*

23. (1) On the expiration of the duration of a Legislative Assembly or on its dissolution, a general election shall be held in order that a new Legislative Assembly may be constituted.

(2) On such expiration or dissolution, the Governor General shall, by notification in the Gazette, call upon the constituencies referred to in rule 4 to elect members in accordance with these rules within such time after the date of expiration or dissolution as may be prescribed by such notification:

Provided that, if the Governor General thinks fit, such notification may be issued at any time not being more than three months prior to the date on which the duration of the Legislative Assembly would expire in the ordinary course of events.

(3) Before the date fixed for the first meeting of the Legislative Assembly, the Governor General shall make such nominations as may be necessary to complete the Legislative Assembly.

25. As soon as may be after the expiration of the time fixed for the election of members at any general election, the names of the members elected for the various constituencies at such election shall be notified in the Gazette.

## PART VII.

## THE FINAL DECISION OF DOUBTS AND DISPUTES AS TO THE VALIDITY OF AN ELECTION.

26. In this Part and in Schedule IV, unless there is anything repugnant in the subject or context,—  
Definitions.

- (a) "agent" includes an election agent and any person who is held by Commissioners to have acted as an agent in connection with an election with the knowledge or consent of the candidate ;
- (b) "candidate" means a person who has been nominated as a candidate at any election or who claims that he has been so nominated or that his nomination has been improperly refused, and includes a person who, when an election is in contemplation, holds himself out as a prospective candidate at such election, provided that he is subsequently nominated as a candidate at such election ; and
- (c) "returned candidate" means a candidate whose name has been published under these rules as duly elected.

27. No election shall be called in question except by an election petition presented in accordance with the provisions of this Part.  
The election petition.

28. An election petition may be presented to the Governor-General by any candidate or elector against any returned candidate within fourteen days from the date on which the result of the election has been published in accordance with sub-rule (9) of rule 12.  
Presentation of the petition.

29. The petition shall contain a statement in concise form of the material facts on which the petitioner relies and the particulars of any corrupt practice which he alleges and shall, where necessary, be divided into paragraphs numbered consecutively. It shall be signed by the petitioner and verified in the manner prescribed for the verification of pleadings in the Code of Civil Procedure, 1908.  
Contents of the petition.

30. The petitioner may, if he so desires, in addition to calling in question the election of the returned candidate, claim a declaration that he himself or any other candidate has been duly elected ; in which case he shall join as respondents to his petition all other candidates who are nominated at the election.  
Against whom it may be presented.

31. At the time of presentation of the petition, the petitioner shall deposit with it the sum of one thousand rupees in cash or in Government Promissory Notes of equal value at the market rate of the day as security for the costs of the same.  
Deposit of security.

32. (1) If the provisions of rule 31 are not complied with the Governor-General shall dismiss the petition.  
Dismissal for default.

(2) Upon compliance with the provisions of rule 31—  
Appointment of Commissioners.

(a) the Governor-General shall appoint as Commissioners for the trial of the petition three persons who are, or are eligible to be appointed, Judges of a High Court within the meaning of section 101 (3) of the Act, and shall appoint one of them to be the President, and thereafter all applications and proceedings in connection therewith shall be dealt with and held by such Commissioners ;

(b) the President of the Commission so constituted shall, as soon as may be, cause a copy of the petition to be served on each respondent and to be published in the Gazette, and may call on the petitioner to execute a bond in such amount and with such sureties as he may require for the payment of any further costs. At any time within fourteen days after such publication, any other candidate shall be entitled to be joined as a respondent on giving security in a like amount and procuring the execution of a like bond.



(3) When in respect of an election in a constituency more petitions than one are presented, the Governor-General shall refer all such petitions to the same Commissioners, who may at their discretion inquire into the petitions either in one or in more proceedings as they shall think fit.

33. Every election petition shall be inquired into by the Commissioners as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1908, to the trial of suits: provided that it shall only be necessary for the Commissioners to make a memorandum of the substance of the evidence of any witness examined by them.

34. The inquiry shall be held at such place as the Governor-General may appoint: provided that the Commissioners may in their discretion sit for any part of the inquiry at any other place in the province in which the constituency in question is situated, and may depute any one of their number to take evidence at any place in that province.

Withdrawal of petition.

35. (1) No election petition shall be withdrawn without the leave of the Commissioners.

(2) If there are more petitioners than one, no application to withdraw a petition shall be made except with the consent of all the petitioners.

(3) When an application for withdrawal is made, notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition and shall be published in the Gazette.

(4) No application for withdrawal shall be granted if the Commissioners are of opinion that such application has been induced by any bargain or consideration which the Commissioners consider ought not to be allowed.

(5) If the application is granted—

(a) the petitioner shall be ordered to pay the costs of the respondent therefor incurred or such portion thereof as the Commissioners may think fit;

(b) such withdrawal shall be reported to the Governor General, who shall publish notice thereof in the Gazette; and

(c) any person who might himself have been a petitioner may, within seven days of such publication, apply to be substituted as petitioner in place of the party withdrawing, and, upon compliance with the conditions of rule 31 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioners may think fit.

36. (1) An election petition shall abate only on the death of a sole petitioner or of the survivor of several petitioners.

Abatement or substitution on death of petitioner.

(2) Such abatement shall be reported to the Governor General, who shall publish notice thereof in the Gazette.

(3) Any person who might himself have been a petitioner may, within seven days of such publication, apply to be substituted as petitioner, and, upon compliance with the conditions of rule 31 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Commissioners may think fit.

37. If before the conclusion of the trial of an election petition the respondent dies or gives notice that he does not intend to oppose the petition, the Commissioners shall cause notice of such event to be published in the Gazette, and thereupon any person who might have been a petitioner may, within seven days of such publication, apply to be substituted for such respondent to oppose the petition, and shall be entitled to continue the proceedings upon such terms as the Commissioners may think fit.

Abatement or substitution on death of respondent.

38. Where at an inquiry into an election petition any candidate, other than the returned candidate, claims the seat for himself, the returned candidate or any other party may give evidence to prove that the election of such candidate would have been void if he had been the returned candidate and a petition had been presented complaining of his election.

Recrimination when seat claimed.

39. When at an inquiry into an election petition the Commissioners so order, the Advocate General or some person acting under his instructions shall attend and take such part therein as they may direct.

*Explanation.*—The expression “Advocate General” includes also a Government Advocate, or, where there is no Advocate General or Government Advocate, such other officer as the Local Government may appoint in this behalf.

Grounds for declaring election void.

40. (1) Save as hereinafter provided in this rule, if in the opinion of the Commissioners,—

- (a) the election of a returned candidate has been procured or induced, or the result of the election has been materially affected, by a corrupt practice, or
- (b) any corrupt practice specified in Part I of Schedule IV has been committed, or
- (c) the result of the election has been materially affected by any irregularity in respect of a nomination paper, or by the improper reception or refusal of a vote, or by any non-compliance with the provisions of the Act or the rules or regulations made thereunder, or by any mistake in the use of any form annexed thereto

the election of the returned candidate shall be void.

(2) If the Commissioners report that a returned candidate has been guilty by an agent (other than his election agent) of any corrupt practice specified in Part I of Schedule IV which does not amount to any form of bribery other than treating as hereinafter explained or to the procuring or abatement of personation, and if the Commissioners further report that the candidate has satisfied them that—

- (a) no corrupt practice was committed at such election by the candidate or his election agent, and the corrupt practices mentioned in the report were committed contrary to the orders and without the sanction or connivance of such candidate or his election agent, and
- (b) such candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at such election, and
- (c) the corrupt practices mentioned in the said report were of a trivial, unimportant and limited character, and
- (d) in all other respects the election was free from any corrupt practice on the part of such candidate or any of his agents,

then the Commissioners may find that the election of such candidate is not void.

*Explanation.*—For the purpose of this sub-rule “treating” means the incurring in whole or in part by any person of the expense of giving or providing any food, drink, entertainment or provision to any person with the object, directly or indirectly, of inducing him or any other person to vote or refrain from voting or as a reward for having voted or refrained from voting.

41. (1) At the conclusion of the inquiry, the Commissioners shall report whether the returned candidate, or any other party to the petition who has under the provisions of these rules claimed the seat, has been duly elected, and in so reporting shall have regard to the provisions of rule 40.

(2) The report shall be in writing and shall be signed by all the Commissioners. The Commissioners shall forthwith forward their report to the Governor General who, on receipt thereof, shall issue orders in accordance with the report and publish the report in the Gazette, and the orders of the Governor General shall be final.

42. If either in their report or upon any other matter there is a difference of opinion among the Commissioners, the opinion of the majority shall prevail, and their report shall be expressed in the terms of the views of the majority.

Form of report.

Report of Commissioners and procedure thereon.



43. Where any charge is made in an election petition of any corrupt practice, the Commissioners shall record in their report—  
Findings as to corrupt practices and persons guilty thereof.

(a) a finding whether a corrupt practice has or has not been proved to have been committed by any candidate or his agent, or with the connivance of any candidate or his agent, and the nature of such corrupt practice, and

(b) the names of all persons (if any) who have been proved at the inquiry to have been guilty of any corrupt practice and the nature of such corrupt practice with any such recommendations as they may desire to make for the exemption of any such persons from any disqualifications they may have incurred in this connection under these rules.

### PART VIII.

#### SPECIAL PROVISION.

44. If any question arises as to the interpretation of these rules otherwise than in connection with an election inquiry held thereunder, the question shall be referred for the decision of the Governor General, and his decision shall be final.  
Interpretation in case of doubt.

### SCHEDULE I.

(See rule 4.)

*I(1).—List of Constituencies entitled to representation in every Legislative Assembly.*

Province.	Name of Constituency.	Class of Constituency.	Extent of Constituency.	No. of members.
Bengal ...	Calcutta (Non-Muhamadan).	Non-Muhamadan Urban.	Calcutta as defined in section 3 (7) of the Calcutta Municipal Act, 1899.	1
Ditto ...	Calcutta Suburbs (Non-Muhamadan).	Ditto ...	The municipalities and cantonments of the districts of the 24-Parganas, Hooghly and Howrah.	1
Ditto ...	Burdwan Division (Non-Muhamadan).	Non-Muhamadan Rural.	The Burdwan Division excluding the municipalities of the Hooghly and Howrah districts.	1
Ditto ...	Presidency Division (Non-Muhamadan).	Ditto ...	The Presidency Division excluding the municipalities and cantonments of the 24-Parganas district.	1
Ditto ...	Dacca Division (Non-Muhamadan).	Ditto ...	The Dacca Division ...	1
Ditto ...	Chittagong and Rajshahi Divisions (Non-Muhamadan).	Ditto ...	The Chittagong Division excluding the Chittagong Hill Tracts and the Rajshahi Division excluding the district of Darjeeling.	1
Ditto ...	Calcutta and Suburbs (Muhamadan).	Muhamadan Urban.	Calcutta as defined in section 3 (7) of the Calcutta Municipal Act, 1899, and the municipalities and cantonments of the districts of the 24-Parganas, Hooghly and Howrah.	1

Province.	Name of Constituency.	Class of Constituency.	Extent of Constituency.	No. of members.
Bengal	Burdwan and Calcutta Presidency Divisions (Muhammadan).	Muhammadan Rural.	The Burdwan and Presidency Divisions excluding the municipalities and cantonments of the districts of the 24-Parganas, Hooghly and Howrah.	1
Ditto	Dacca Division (Muhammadan).	Ditto	The Dacca Division	2
Ditto	Chittagong Division (Muhammadan)	Ditto	The Chittagong Division excluding the Chittagong Hill Tracts.	1
Ditto	Rajshahi Division (Muhammadan).	Ditto	The Rajshahi Division excluding the district of Darjeeling.	1
Ditto	Bengal (European)	European	The Bengal Presidency excluding the Chittagong Hill Tracts and the district of Darjeeling.	3
Ditto	Bengal Landholders	Landholders	Ditto	1

*II. (1)—List of Constituencies entitled to representation in rotation.*

Province.	Name of Constituency.	Class of Constituency.	Extent of Constituency.	No. of members.
Bengal	Bengal National Chamber of Commerce.	Indian Commerce	(Non-territorial)	...
	Marwari Association	Ditto	Ditto	...
	Bengal Mahajan Sabha	Ditto	Ditto	...
				1

(3) In the case where three constituencies are bracketed together as entitled to elect one member, the constituency first mentioned shall elect to the first Legislative Assembly at the general election and at all bye-elections so long as the first Legislative Assembly continues, and the second mentioned constituency shall elect at the general election to the next Legislative Assembly and at bye-elections in like manner, and the third mentioned constituency shall elect at the general election to the third Legislative Assembly and at bye-elections in like manner, and thereafter the constituencies shall elect in like manner in rotation to succeeding Legislative Assemblies.



## SCHEDULE II.

(See rule 8.)

## QUALIFICATIONS OF ELECTORS.

## PART III.—BENGAL.

## 1. For the purposes of this Part—

(a) “a European” means any person of European descent in the male line being a British subject and resident in British India, who either was born in or has a domicile in the British Isles, Canada, Newfoundland, Australia, New Zealand or the Union of South Africa, or whose father was so born or has or had up to the date of the birth of the person in question such a domicile;

Definitions.

(b) “previous year” means the financial year preceding that in which the electoral roll for the time being under preparation is first published under these rules.

## 2. Where property is held or payments are made jointly by the members of a joint family, the family shall be adopted as the unit for deciding whether under this Part

Joint families.

the requisite qualification exists; and, if it does exist, the person qualified shall be the manager of the family.

## 3. A person shall not be qualified as an elector for a general constituency by virtue of any property held or payment made as a trustee, administrator, receiver or

Fiduciary capacity.

guardian or in any other fiduciary capacity.

## \* General Constituencies.

4. A person shall be qualified as an elector for the Calcutta (non-Muhammadian) constituency who is neither a Calcutta (non-Muhammadian) Constituency. Muhammadan nor a European and who has a place of residence in Calcutta as defined in section 3 (7) of the Calcutta Municipal Act, 1899, and who during and in respect of the previous year—

(a) has paid as consolidated rate levied under Chapter XII of the Calcutta Municipal Act, 1899, not less than Rs. 60, or as taxes levied under Chapter XIV of that Act, not less than Rs. 100: provided that, where any payment has been made in respect of the consolidated rate, a person shall be qualified as an elector only if his name is entered in the municipal assessment book in respect of the payment; or

(b) has paid in his own name and on his own account income-tax on an income of not less than Rs. 5,000.

5. A person shall be qualified as an elector for any other general constituency who has a place of residence in the Non-Muhammadian and Muhammadian Constituencies. constituency and who during and in respect of the previous year, or, as the case may be, during and in respect of the Bengali year next preceding that in which the electoral roll for the time being under preparation is first published under these rules, has paid—

(a) as consolidated rate levied under Chapter XII of the Calcutta Municipal Act, 1899, not less than Rs. 60, or as taxes levied under Chapter XIV of that Act, not less than Rs. 100: provided that where any payment has been made in respect of consolidated rate, a person shall be qualified as an elector only if his name is entered in the municipal assessment book in respect of the payment, or

(b) in the municipality of Howrah or of Cossipore-Chitpur, municipal taxes or fees of not less than Rs. 10, or, in any other municipality or cantonment, municipal or cantonment taxes or fees of not less than Rs. 5, or

(c) road and public works cesses under the Cess Act, 1880, of not less than Rs. 5, or

(d) chaukidari tax under the Village-Chaukidari Act, 1870, or union rate under the Bengal Village Self-Government Act, 1919, of not less than Rs. 5, or

(e) in his own name and on his own account income-tax on an income of not less than Rs. 5,000:

Provided that—

(i) no person other than a Muhammadan shall be qualified as an elector for a Muhammadan constituency, and

(ii) no Muhammadan or European shall be qualified as an elector for a non-Muhammadan constituency.

6. A person shall be qualified as an elector for the Bengal (European) constituency who is a European and has a place of residence in the constituency and who during and in respect of the previous year has paid on his own account and in his own name income-tax on an income of not less than Rs. 12,000.

#### *Special Constituencies.*

7. A person shall be qualified as an elector for the Bengal Landholders constituency who has a place of residence in the constituency and who during the previous year—

(a) in the Burdwan Division or the Presidency Division held in his own right, as a proprietor, one or more estates or shares of estates and paid in respect thereof land revenue amounting to not less than Rs. 6,000, or road and public works cesses amounting to not less than Rs. 1,500, or

(b) in the Dacca or the Rajshahi or the Chittagong Division held in his own right, as a proprietor, one or more estates or shares of estates, or one or more permanent tenures or shares of such tenures held direct from such a proprietor, and paid in respect thereof land revenue amounting to not less than Rs. 4,000, or road and public works cesses amounting to not less than Rs. 1,000.

8. In determining the qualification of a landholder as an elector—

- (a) only such estates and shares of estates, and only such permanent tenures and shares of permanent tenures, as are not within the district of Darjeeling or the Chittagong Hill Tracts shall be taken into account;
- (b) only such estates and shares of estates, as are held by him in his own right and not in a fiduciary capacity and are registered in his own name in the registers maintained under the Land Registration Act, 1876, shall be taken into account;
- (c) only such permanent tenures and shares of permanent tenures as are held by him (as owner) in his own right, and not in a fiduciary capacity shall be taken into account;
- (d) only land revenue or road and public works cesses payable in respect of his own personal share shall be taken into account;
- (e) if the amount of land revenue or road and public works cesses paid by a landholder in respect of any share of an estate or permanent tenure is not definitely known, the District Officer of the district in which such estate or tenure is situated shall estimate the amount paid in respect of such share, and his decision shall be final.

*Explanation.*—A *mutwalli* or manager of a *wakf* estate shall be deemed to hold such estate in his own right, but a trustee or manager of an estate other than a *wakf* estate shall not be so deemed.



9. Members of the Bengal National Chamber of Commerce and of the Marwari Association and of the Bengal Mahajan Sabha shall be qualified as electors respectively for the constituency comprising the Chamber, Association or Sabha of which they are members.

*Explanation.*—For the purposes of this paragraph “member” includes any person entitled to exercise the rights and privileges of membership on behalf and in the name of any firm, company or corporation registered as a member.

### SCHEDULE III.

(See rule 16.)

#### *Return of Election expenses.*

1. Under the head of receipts there shall be shown the name and description of every person (including the candidate), club, society or association from whom any money, security or equivalent of money was received in respect of expenses incurred on account of, or in connection with, or incidental to, the election, and the amount received from each person, club, society or association separately.

2. Under the head of expenditure, there shall be shown—

(a) the personal expenditure of the candidate incurred or paid by him or his election agent, including travelling and all other personal expenses incurred in connection with his candidature;

(b) the name, and the rate and total amount of the pay, of each person employed as an agent (including the election agent), clerk, or messenger;

(c) the travelling expenses and any other expenses incurred by the candidate or his election agent on account of agents (including the election agent), clerks or messengers;

(d) the travelling expenses of persons, whether in receipt of salary or not, incurred in connection with the candidature, and whether paid or incurred by the candidate, his election agent or the person so travelling;

(e) the cost whether paid or incurred of—

(i) printing,

(ii) advertising,

(iii) stationery,

(iv) postage,

(v) telegrams, and

(vi) rooms hired either for public meetings or as committee rooms;

(f) any other miscellaneous expenses whether paid or incurred.

- (2) For all items of Rs. 5 and over, unless from the nature of the case (*e.g.*, travel by rail or postage) a receipt is not obtainable, vouchers are to be attached.
- (3) All sums paid but for which no receipt is attached are to be set out in detail with dates of payment.
- (4) All sums unpaid are to be set out in a separate list.

3. The form of affidavit referred to in rule 16 shall be as follows:—

I \_\_\_\_\_ being the appointed election agent for \_\_\_\_\_ a candidate for election in the \_\_\_\_\_ constituency (or I \_\_\_\_\_ being a candidate in the \_\_\_\_\_ constituency), do hereby solemnly affirm that the above return of election expenses is true to the best of my knowledge and belief, and that, except the expenses herein set forth, no expenses of any nature whatsoever have to my knowledge and belief been incurred in, and for the purposes of, \_\_\_\_\_  
my candidature

(Scl.)

*Election Agent or Candidate.*

Solemnly affirmed before me.

*Magistrate.*

#### SCHEDULE IV.

[ See rules 5, 7, 18, 29, 40, and 43 ]

The following shall be deemed to be corrupt practices for the purposes of these rules :—

## PART I.

1. A gift, offer or promise by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, of any gratifications to any person whomsoever, with the object, directly or indirectly, of inducing—

(a) a person to stand or not to stand as, or to withdraw from being, a candidate, or

(b) an elector to vote or refrain from voting at an election,

or as a reward to—

(a) a person for having so stood or not stood or for having withdrawn his candidature, or

(b) an elector for having voted or refrained from voting.

*Explanation.*—For the purpose of this clause the term “gratification” is not restricted to pecuniary gratifications or gratifications estimable in money, and includes all forms of entertainment and all forms of employment for reward; but it does not include the payment of any expenses *bona fide* incurred at or for the purposes of any election, and duly entered in the return of election expenses prescribed by these rules.

2. (1) The voluntary interference or attempted interference by a candidate or his agent or any other person with the connivance of the candidate or his agent with the free exercise of the right of any person to stand or not to stand as, or to withdraw from being, a candidate or to vote or refrain from voting at an election.



(2) A threat of injury to any person or to any person in whom that person is interested or the inducement or attempted inducement of any person to believe that he or any person in whom he is interested will become or will be rendered the object of divine displeasure or of spiritual censure, shall be deemed to be interference within the meaning of this paragraph:

Provided that a declaration of public policy or promise of public action shall not be deemed to be interference.

3. The procuring or abetting or attempting to procure by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, the application by a person for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or by a person who has voted once at an election for a voting paper in his own name at the same election.

4. The publication by a candidate or his agent, or by any other person with the connivance of the candidate or his agent, of any statement of fact which is false and which he either believes to be false or does not believe to be true in relation to the personal character or conduct of any candidate or in relation to the candidature or withdrawal of any candidate, which statement is reasonably calculated to prejudice such candidate's election.

## PART II.

1. Any act specified in Part I, when done by a person who is not a candidate or his agent or a person acting with the connivance of a candidate or his agent.

2. The application by a person at an election for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or for a voting paper in his own name after he has already voted at such election.

3. The receipt of, or agreement to, receive any gratification, whether as a motive or a reward—

(a) by a person to stand or not to stand as or to withdraw from being a candidate; or

(b) by any person whomsoever for himself or any other person for voting or refraining from voting, or for inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw his candidature.

4. Any payment or promise of payment to any person whomsoever on account of the conveyance of any elector to or from any place for the purpose of recording his vote.

5. The hiring, employment, borrowing, or using for the purposes of the election of any boat, vehicle or animal usually kept for letting on hire or for the conveyance of passengers by hire:

Provided that any elector may hire any boat, vehicle or animal, or use any boat, vehicle or animal which is his own property to convey himself to or from the place where the vote is recorded.

6. The incurring or authorisation of expenses by any person other than a candidate or his election agent on account of holding any public meeting or upon any advertisement, circular or publication or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, unless he is authorised in writing so to do by the candidate

7. The hiring, using or letting as a committee-room or for the purpose of any meeting to which electors are admitted, of any building, room or other place where intoxicating liquor is sold to the public.

8. The issuing of any circular, placard or poster having reference to the election which does not bear on its face the name and address of the printer and publisher thereof.

In exercise of the powers conferred by section 64 (1) and section 129-A of the Government of India Act, the Governor General in Council, with the sanction of the Secretary of State in Council, is pleased to make the following rules for the Council of State :—

1. These rules may be called the Council of State Electoral Rules.  
Short title.
2. In these rules, unless there is anything repugnant in the subject or context,—  
Definitions.
  - (a) "the Act" means the Government of India Act;
  - (b) "Commissioners" means the Commissioners appointed for the purpose of holding an election inquiry under these rules;
  - (c) "corrupt practice" means any act deemed to be a corrupt practice under the provisions of Schedule IV;
  - (d) "election agent" means the person appointed under these rules by a candidate as his agent for an election;
  - (e) "Gazette" means the *Gazette of India*; and
  - (f) "Schedule" means a Schedule to these rules.

## PART I.

### COMPOSITION OF COUNCIL OF STATE AND CONSTITUENCIES.

3. The Council of State shall consist of—  
Composition of Council of State.

- (1) thirty-three elected members, and
- (2) twenty-seven members nominated by the Governor-General, of whom not more than twenty may be officials, and one shall be a person nominated as the result of an election held in Berar.
4. The elected members shall be elected by the constituencies specified in Schedule I, subject to the provisions of that Schedule in regard to constituencies entitled to elect in rotation, and the number of members to be elected by each constituency shall be as stated therein against that constituency.  
Constituencies.

## PART II.

### QUALIFICATIONS OF ELECTED MEMBERS.

5. (1) A person shall not be eligible for election as a member of the Council of State if such person—  
General disqualifications for being elected.

- (a) is not a British subject; or
- (b) is a female; or
- (c) is already a member of any legislative body constituted under the Act; or
- (d) having been a legal practitioner has been dismissed or is under suspension from practising as such by order of any competent court; or
- (e) has been adjudged by a competent court to be of unsound mind; or
- (f) is under 25 years of age; or
- (g) is an undischarged insolvent; or
- (h) being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part;

Provided that, if the Ruler of a State in India or any subject of such a State is not ineligible for election to the Legislative Council of a province, such Ruler or subject shall not by reason of not being a British subject be ineligible for election to the Council of State by any constituency in that province:



Provided further that the disqualification mentioned in clause (d) may be removed by an order of the Governor-General in Council in this behalf.

(2) A person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for a period of more than six months is subsisting shall, unless the offence of which he was convicted has been pardoned, not be eligible for election for five years from the date of the expiration of the sentence.

(3) If any person is convicted of an offence under Chapter IX-A of the Indian Penal Code punishable with imprisonment for a term exceeding six months or is, after an enquiry by Commissioners appointed under any rules for the time being in force regarding elections to a legislative body constituted under the Act, reported as guilty of a corrupt practice as specified in Part I, or in paragraph 1, 2 or 3 of Part II, of Schedule IV such person shall not be eligible for election for five years from the date of such conviction or of the finding of the Commissioners, as the case may be, and a person reported by any such Commissioners to be guilty of any other corrupt practice shall be similarly disqualified for three years from such date.

(4) If any person has been a candidate or an election agent at an election to any legislative body constituted under the Act and has failed to lodge any prescribed return of election expenses or has lodged a return which is found either by Commissioners holding an inquiry into the election or by a Magistrate in a judicial proceeding to be false in any material particular, such person shall not be eligible for election for five years from the date of such election :

Provided that any disqualification mentioned in sub-rule (3) or sub-rule (4) of this rule may be removed by an order of the Governor-General in Council in that behalf.

Special qualifications for election in case of certain constituencies.

6. (1) A person shall not be eligible for election as a Member of the Council of State to represent—

- (a) a general constituency in the presidency of Bengal, unless his name is registered on the electoral roll of the constituency or of another constituency of the same communal description situate in the presidency ; or
- (b) a general constituency in the United Provinces of Agra and Oudh or in the province of Bihar and Orissa or in the province of Assam, unless his name is registered on the electoral roll of the constituency or of another general constituency in the same province ; or
- (c) a general constituency in the presidency of Madras or in the presidency of Bombay or in the Punjab or in the Central Provinces or in the province of Burma or any special constituency, unless his name is registered on the electoral roll of the constituency.

(2) For the purposes of these rules—

- (a) “general constituency” means any constituency which is not a special constituency ; and
- (b) “special constituency” means a European Commerce constituency.

### PART III.

#### THE ELECTORAL ROLL.

7. (1) Every person shall be entitled to have his name registered on the electoral roll of a constituency who has the qualifications prescribed for an elector of that constituency and who is not subject to any of the disqualifications hereinafter set out, namely :—

General conditions of registration and disqualifications.

- (a) is not a British subject ; or
- (b) is a female ; or
- (c) has been adjudged by a competent court to be of unsound mind ; or
- (d) is under 21 years of age :

Provided that, if the Ruler of a State in India or any subject of such a State is not disqualified for registration on the electoral roll of a constituency of the Legislative Council of a province, such Ruler or subject shall not by reason of not being a British subject be disqualified for registration on the electoral roll of any constituency of the Council of State in that province :

Provided further that, if a resolution is passed by the Council of State recommending that the sex disqualification for registration should be removed either in respect of women generally or any class of women, the Governor-General in Council shall make regulations providing that women or a class of women, as the case may be, shall not be disqualified for registration by reason only of their sex :

Provided further that no person shall be entitled to have his name registered on the electoral roll of more than one general constituency.

(2) If any person is convicted of an offence under Chapter IX-A of the Indian Penal Code punishable with imprisonment for a term exceeding six months or is after inquiry by Commissioners appointed under any rules for the time being in force regarding election to a legislative body constituted under the Act, reported as guilty of a corrupt practice as specified in Part I, or in paragraph 1, 2 or 3 of Part II, of Schedule IV, his name, if on the electoral roll, shall be removed therefrom and shall not be registered thereon for a period of five years from the date of the conviction or the report, as the case may be, or, if not on the electoral roll, shall not be so registered for a like period ; and if any person is reported by any such Commissioners as guilty of any other corrupt practice his name, if on the electoral roll, shall be removed therefrom and shall not be registered thereon for a period of three years from the date of the report or, if not on the electoral roll, shall not be so registered for a like period :

Provided that the Governor-General in Council may direct that the name of any person to whom this sub-rule applies shall be registered on the electoral roll.

Qualifications of electors.

8. (1) The qualifications of an elector for a general constituency shall be such qualifications

based on—

- (i) residence, or residence and community, and
- (ii) (a) the holding of land, or
  - (b) assessment to or payment of income-tax, or
  - (c) past or present membership of a legislative body, or
  - (d) past or present tenure of office on a local authority, or
  - (e) past or present university distinction, or
  - (f) the tenure of office in a co-operative banking society, or
  - (g) the holding of a title conferred for literary merit,

as are specified in Schedule II in the case of that constituency.

(2) The qualifications of an elector for a special constituency shall be the qualifications specified in Schedule II in the case of that constituency.

9. (1) An electoral roll shall be prepared for every constituency, on which shall be entered the names of all persons appearing to be entitled to be registered as electors

Electoral roll.

for that constituency. It shall be published in the constituency together with a notice specifying the mode in which and the time within which any person whose name is not entered in the roll and who claims to have it inserted therein, or any person whose name is on the roll and who objects to the inclusion of his own name or of the name of any other person on the roll, may prefer a claim or objection to the Revising Authority.

(2) The regulations for the time being in force in any province for the purpose of elections to the Legislative Council of that province in regard to the following matters, namely,—

- (1) the authority by whom the electoral roll shall be prepared and the particulars to be contained in the roll,
- (2) the time at which the roll shall be prepared,
- (3) the publication of the roll in the constituency to which it relates,
- (4) the mode in which and the time within which claims and objections may be preferred,



- (5) the constitution and appointment of Revising Authorities to dispose of claims and objections,
- (6) the manner in which notices of claims or objections shall be published,
- (7) the place, date, and time at which and the manner in which claims or objections shall be heard,

shall apply for the purpose of the holding of elections within that province to the Council of State:

Provided that the Governor-General in Council may, by notification in the Gazette, direct that such modifications and adaptations as he may specify shall be made in the application of those regulations.

(3) The orders made by the Revising Authority shall be final, and the electoral roll shall be amended in accordance therewith and shall, as so amended, be republished in the case of each province in such manner as may be prescribed by the regulations aforesaid for the republication of electoral rolls of constituencies of the Legislative Council.

(4) The electoral roll shall come into force from the date of such republication, and shall continue in force for a period of three years or for such less period as the Governor-General in Council may by regulation prescribe, and after the expiration of such period a fresh roll shall be prepared in accordance with these rules.

(5) If a constituency is called upon to elect a member or members after an electoral roll has ceased to have force and before the completion of the new electoral roll, the old electoral roll shall for the purposes of that election continue to operate as the electoral roll for the constituency.

10. Every person registered on the electoral roll for the time being in force for any constituency shall, while so registered, be entitled to vote at an election of a member or members for that constituency: provided that no person shall vote in more than one general constituency.

#### PART IV.

##### ELECTIONS.

11. (1) Any person may be nominated as a candidate for election in any constituency for which he is eligible for election under these rules.

Nomination of candidates.

(2) On or before the date on which a candidate is nominated, the candidate shall make in writing and sign a declaration appointing either himself or some other person who is not disqualified under these rules for the appointment to be his election agent, and no candidate shall be deemed to be duly nominated unless such declaration has been made.

(3) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be renominated as a candidate for the same election.

12. (1) If the number of candidates who are duly nominated and who have not withdrawn their candidature before such time as the Governor-General in Council may fix in this behalf exceeds that of the vacancies, a poll shall be taken.

Procedure at election.

(2) If the number of such candidates is equal to the number of vacancies, all such candidates shall be declared to be duly elected.

(3) If the number of such candidates is less than the number of vacancies, all such candidates shall be declared to be elected, and the Governor-General shall, by a notification in the Gazette, call for fresh nominations for the remaining vacancy or vacancies, and if any such are received shall call upon the constituency to elect a member or members as the case may be.

(4) Votes shall be given by ballot and no votes shall be received by proxy.

(5) In plural-member constituencies every elector shall have as many votes as there are members to be elected, but no elector shall give more than one vote to any one candidate except in the case of the Bombay (non-Muhammadan) constituency, in which constituency an elector may

accumulate all his votes on any one candidate or may distribute them among the candidates as he pleases :

Provided that in the Madras (non-Muhammadan) constituency the election shall be made according to the principle of proportionate representation by means of the single transferable vote, and votes shall be given in accordance with regulations made in that behalf by the Governor General in Council.

(6) Votes shall be counted by or under the supervision of the Returning Officer, and any candidate, or, in the absence of the candidate, a representative duly authorised by him in writing, shall have a right to be present at the time of counting.

(7) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates, as the case may be, to whom the largest number of votes has been given to be elected :

Provided that in the Madras (non-Muhammadan) constituency the Returning Officer shall determine the candidates to whom the largest number of votes has been given in accordance with the regulations made in that behalf.

(8) Where an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected, the determination of the person or persons to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

(9) The Returning Officer shall without delay report the result of the election to the Secretary to the Government of India in the Legislative Department, and the name or names of the candidate or candidates elected shall be published in the Gazette.

13. The regulations for the time being in force in any province for the purpose of elections to the Legislative Council of that province in regard to the following matters, namely,—

Regulations regarding the conduct of elections.

- (1) for the form and manner in, and the conditions on, which nominations may be made, and for the scrutiny of nominations,
- (2) for the appointment of a Returning Officer for each constituency and for his powers and duties,
- (3) for the division of general constituencies into polling areas and for the appointment of polling stations for these areas,
- (4) for the appointment of officers to preside at polling stations, and for the duties of such officers,
- (5) for the checking of voters by reference to the electoral roll,
- (6) for the manner in which votes are to be given, both generally and in the case of illiterate voters or voters under physical or other disability,
- (7) for the procedure to be followed in respect of tender of votes by persons representing themselves to be electors after other persons have voted as such electors,
- (8) for the scrutiny of votes,
- (9) for the safe custody of ballot papers and other election papers, for the period for which such papers shall be preserved, and for the inspection and production of such papers, and
- (10) for the conduct of elections generally,

shall apply for the purpose of the holding of elections within that province to the Council of State :

Provided that the Governor-General in Council may, by notification in the Gazette, direct that such modifications and adaptations as he may specify shall be made in the application of those regulations.

14. (1) If any person is elected by more than one constituency, he shall, by notice in writing signed by him and delivered to the Secretary to the Government of India in the Legislative Department within seven days from the date of the publication of the result of such election in the Gazette, choose for which of these constituencies he shall serve, and the choice shall be conclusive.

Multiple elections.



(2) When any such choice has been made, the Governor-General shall call upon any constituency or constituencies for which such person has not chosen to serve to elect another person or persons.

(3) If the candidate does not make the choice referred to in sub-rule (1) of this rule the elections of such person shall be void and the Governor-General shall call upon the constituency or constituencies concerned to elect another person or persons.

*Election agents and Return of expenses.*

15. No person shall be appointed an election agent who is himself ineligible for election as being subject to any disqualification mentioned in sub-rule (3) or sub-rule (4) of rule 5.

*Disqualification for being an election agent.*

16. (1) Within one month or such longer period as the Governor-General may allow after the date of the declaration of the result of the election every candidate, either personally or through his election agent, shall cause to be lodged with the Returning Officer a return of his election expenses containing the particulars specified in Schedule III.

*Return of election expenses.*

(2) Every such return shall contain a statement of all payments made by the candidate or by his election agent or by any persons on behalf of the candidate or in his interests for expenses incurred on account of or in respect of the conduct and management of the election, and further a statement of all unpaid claims in respect of such expenses of which he or his election agent is aware.

(3) The return shall be accompanied by declarations by the candidate and his election agent which shall be in the form contained in the said Schedule and shall be made on oath or affirmation before a Magistrate.

(4) The Governor-General in Council shall cause to be prepared in such manner, and maintained for such time, as he may direct, a record showing the names of all candidates at every election under these rules and the date on which the return of election expenses of each candidate has been lodged with the Returning Officer.

17. Every election agent shall keep regular books of account in which the particulars of all expenditure of the nature referred to in rule 16 shall be entered, whether such expenditure is incurred by the candidate or by the election agent or by any person under the direction of the candidate or the election agent.

*Accounts of agents.*

PART V.

NOMINATED MEMBERS.

18. (1) Save as expressly provided in these rules in regard to the nomination of a person elected in Berar, no person shall be nominated to the Council of State who—

*General disqualifications for nomination.*

- (a) is not a British subject; or
- (b) is a female; or
- (c) is already a member of any legislative body constituted under the Act; or
- (d) having been a legal practitioner has been dismissed or is under suspension from practising as such by order of any competent court; or
- (e) has been adjudged by a competent court to be of unsound mind; or
- (f) is under 25 years of age; or
- (g) is an undischarged insolvent; or
- (h) being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part;

Provided that if the Ruler of a State in India or any subject of such a State is not disqualified for nomination to the Legislative Council of a province, such Ruler or subject shall not by reason of not being a British subject be disqualified for nomination to the Council of State to represent that province.

Provided further that the disqualification mentioned in clause (d) may be removed by an order of the Governor-General in Council in this behalf.

(2) A person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for a period of more than six months is subsisting shall, unless the offence of which he was convicted has been pardoned, not be eligible for nomination for five years from the date of the expiration of the sentence.

(3) If any person is convicted of an offence under Chapter IX-A of the Indian Penal Code punishable with imprisonment for a term exceeding six months or is, after an inquiry by Commissioners appointed under any rules for the time being in force regarding elections to a legislative body constituted under the Act, reported as guilty of a corrupt practice as specified in Part I, or in paragraph 1, 2 or 3 of Part II, of Schedule IV, shall not be eligible for nomination for five years from the date of such conviction or of the finding of the Commissioners, as the case may be; and a person reported by any such Commissioners to be guilty of any other corrupt practice shall be similarly disqualified for three years from such date.

(4) If any person has been a candidate or an election agent at an election to any legislative body constituted under the Act and has failed to lodge any return of election expenses or has lodged a return which is found either by Commissioners holding an inquiry into the election or by a Magistrate in a judicial proceeding to be false in any material particular, such person shall not be eligible for nomination for five years from the date of the election:

Provided that any disqualification mentioned in sub-rule (3) or sub-rule (4) of this rule may be removed by an order of the Governor-General in Council in that behalf.

19. (1) A nominated non-official member shall hold office for the duration of the Council of State to which he is nominated.

Term of office of nominated member.

(2) Official members shall hold office for the duration of the Council of State to which they are nominated or for such shorter period as the Governor-General may, at the time of nomination, determine.

## PART VI.

### GENERAL PROVISIONS.

#### *Obligation to take oath.*

20. Every person who is elected or nominated to be a member of the Council of State shall before taking his seat make at a meeting of the Council of State an oath or affirmation of his allegiance to the Crown in the following form, namely:—

Taking of oath.

I, A. B. having been <sup>elected</sup><sub>nominated</sub> a member of this Council do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Majesty the King-Emperor of India, his heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter.

#### *Vacation of seat.*

21. If any person having been elected or nominated subsequently becomes subject to any of the disabilities stated in clauses (a), (d), (e), (g) and (h) of sub-rule (1) or in sub-rules (2), (3) and (4) of rule 5 or of rule 18, as the case may be, or fails to make the oath or affirmation prescribed by rule 20 within such time as the Governor-General considers reasonable, the Governor-General shall, by notification in the Gazette, declare his seat to be vacant.

22. (1) When a vacancy occurs in the case of an elected member by reason of his election being declared void or his seat being declared vacant, or by reason of absence from India, inability to attend to duty, death, acceptance of office

Casual vacancies.



or resignation duly accepted, the Governor-General shall, by notification in the Gazette, call upon the constituency concerned to elect a person for the purpose of filling the vacancy within such time as may be prescribed by such notification.

(2) If a vacancy occurs in the case of a nominated member, the Governor-General shall nominate to the vacancy a person having the necessary qualification under these rules.

*First constitution of the Council of State.*

23. (1) As soon as conveniently may be after these rules come into force, a Council of State shall be constituted in accordance with their provisions.

(2) For this purpose the Governor-General shall, by notification in the Gazette, call upon the constituencies referred to in rule 4 to elect members in accordance with these rules within such time as may be prescribed by such notification, and shall make such nominations as may be necessary to complete the Council of State before the date fixed for its first meeting.

(3) If any difficulty arises as to the preparation or publication of the first electoral roll or the holding of the first elections after the commencement of these rules, the Governor-General in Council may by order do any matter or thing which appears to him necessary for the proper preparation or publication of the roll or for the proper holding of the elections.

*General elections.*

24. (1) On the expiration of the duration of a Council of State or on its dissolution, a general election shall be held in order that a new Council of State may be constituted.

(2) On such expiration or dissolution, the Governor-General shall, by notification in the Gazette, call upon the constituencies referred to in rule 4 to elect members in accordance with these rules within such time after the date of expiration or dissolution as may be prescribed by such notification.

Provided that, if the Governor-General thinks fit, such notification may be issued at any time not being more than three months prior to the date on which the duration of the Council of State would expire in the ordinary course of events.

(3) Before the date fixed for the first meeting of the Council of State, the Governor-General shall make such nominations as may be necessary to complete the Council of State.

25. As soon as may be after the expiration of the time fixed for the election of members at any general election, the names of the members elected for the various constituencies at such election shall be notified in the Gazette.

PART VII.

THE FINAL DECISION OF DOUBTS AND DISPUTES AS TO THE VALIDITY OF AN ELECTION.

16. In this Part and in Schedule IV, unless there is anything repugnant in the subject or context,—

Definition.

- (a) "agent" includes an election agent and any person who is held by Commissioners to have acted as an agent in connection with an election with the knowledge or consent of the candidate;
- (b) "candidate" means a person who has been nominated as a candidate at any election or who claims that he has been so nominated or that his nomination has been improperly refused, and includes a person who, when an election is in contemplation holds himself out as a prospective candidate at such election, provided that he is subsequently nominated as a candidate at such election; and
- (c) "returned candidate" means a candidate whose name has been published under these rules as duly elected.